

allowance; to the Committee on Ways and Means.

By Mr. NORRELL:

H. R. 4869. A bill relating to acquisition of rights-of-way for levee construction on the north bank of the Arkansas River from Pine Bluff, Ark., to the Mississippi River; to the Committee on Flood Control.

By Mr. REED of New York:

H. Con Res. 105. Concurrent resolution authorizing the printing of the manuscript entitled "Questions and Answers on the Current Revenue Act of 1945", as a House document, and providing for the printing of additional copies thereof; to the Committee on Printing.

By Mrs. ROGERS of Massachusetts:

H. Res. 439. Resolution requesting the Federal Security Administrator to furnish to the House of Representatives certain information with respect to the drugs known as barbiturates; to the Committee on Ways and Means.

H. Res. 440. Resolution requesting the Secretary of the Treasury to furnish to the House of Representatives certain information with respect to the drugs known as barbiturates; to the Committee on Ways and Means.

By Mr. PATTERSON:

H. Res. 441. Resolution creating a select committee to study the feasibility of establishing and operating floating, world-traveling universities; to the Committee on Rules.

H. Res. 442. Resolution to provide for expenses for the investigation authorized by H. Res. 441; to the Committee on Accounts.

By Mrs. ROGERS of Massachusetts:

H. Res. 443. Resolution requesting the Secretary of State to give information regarding the resignation of Gen. Patrick J. Hurley and the sabotage of our foreign policy in China; to the Committee on Foreign Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1361. By Mr. CANFIELD: Resolution of the National Headquarters, Twenty-ninth Division Association, Inc., endorsing and recommending universal military training; to the Committee on Military Affairs.

1362. By Mr. COFFEE: Petition of Joseph Sweat and 40,000 other citizens, for the passage of House Resolution 100 which is urging on behalf of the United States House of Representatives a diplomatic break with Franco (Fascist) Spain, and extension of lend-lease to the guerrilla armies of the Spanish Republic underground; to the Committee on Foreign Affairs.

1363. By Mr. GRAHAM: Petition of the ministers of the Beaver Federated Churches of Beaver, Pa., opposing compulsory peacetime conscription; to the Committee on Military Affairs.

1364. By Mr. FORAND: Resolution of the Board of Aldermen of the City of Newport, in opposition to the merger of the Army and Navy Departments; to the Committee on Military Affairs.

## SENATE

MONDAY, DECEMBER 3, 1945

(Legislative day of Monday, October 29, 1945)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Lord of our pilgrim years, the day returns and brings us the round of its

concerns and duties. As in Thy sight we serve in posts of high public office, make us solemnly conscious that our thoughts, our attitudes, our words, and our acts are not our own but go out from this Chamber, set as a light on a hill, to influence and to mold the whole structure of human relationships around the world. Help us in all things to be masters of ourselves that we may be the servants of others.

In these times of tension and strain, preserve us from minding and magnifying little slights and stings, or giving them. Keep us calm in temper, clear walk humbly with Thee our God. In gratitude, meanness, or even treachery. In these crucial and creative days, enable us, we pray Thee, to perform faithfully and well what Thou dost require, even to do justly, to love mercy, and to walk humbly with Thee, our God. In the dear Redeemer's name. Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, November 30, 1945, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On November 30, 1945:

S. 1459. An act to provide for the extension of certain oil and gas leases.

On December 3, 1945:

S. 1097. An act to establish the status of funds and employees of the midshipmen's store at the United States Naval Academy;

S. 1215. An act to reimburse certain Marine Corps personnel and former Marine Corps personnel for personal property lost in the disaster to the steamship *Maasdam* on June 28, 1941; and

S. 1494. An act to exempt Navy or Coast Guard vessels of special construction from the requirements as to the number, position, range, or arc of visibility of lights, and for other purposes.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 304) to amend the act authorizing postmasters in Alaska to administer oaths and affirmations, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 697) relating to clerical assistance at post offices, branches, or stations serving military and naval personnel, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4127) to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

The message also announced that the House had agreed to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 694) to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic.

The message further announced that the House had passed a bill (H. R. 4805) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 694. An act to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic;

H. R. 697. An act relating to clerical assistance at post offices, branches, or stations serving military and naval personnel, and for other purposes; and

H. R. 4127. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

#### LEAVE OF ABSENCE FOR SENATOR THOMAS OF OKLAHOMA

The PRESIDENT pro tempore. The Secretary of the Senate has received the following telegram:

CHICAGO, ILL., December 3, 1945.

LESLIE BIFFLE,  
Secretary, United States Senate,  
United States Capitol.

Am in Chicago attending Cooperative Milk Convention. Please request Senator McKellar to have me excused for next 3 days.

ELMER THOMAS,  
United States Senator, Oklahoma.

Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and he is excused.

#### GREETING TO THE QUIZ KIDS

Mr. CONNALLY obtained the floor.

Mr. TAYLOR. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Texas yield to the Senator from Idaho for a purpose which the Chair thinks the Senator from Texas will approve?

Mr. CONNALLY. I will always yield upon any suggestion from the Chair.

Mr. TAYLOR. Mr. President, I have always prided myself that I endeavor to be a good sport at all times and love even my enemies and give them due credit. Last night the Senator from Kentucky [Mr. STANFILL], the Senator from Minnesota [Mr. BALL], the Senator from Utah [Mr. MURDOCK], and myself had a joust with the Quiz Kids, and they defeated us. Nevertheless, in the bigness of my heart, I want to call attention to the fact that the Quiz Kids are in the gallery at this moment, and I will ask them to rise so that we may see those who are smarter than at least one Senator.

(The Quiz Kids rose from their seats in the gallery.)

**IMPLEMENTATION OF UNITED NATIONS ORGANIZATION—PLEA FOR EXPEDITION OF CONSIDERATION OF SENATE BILL 1580**

Mr. CONNALLY. Mr. President, the pending amendment has been before the Senate for a number of days. The necessity for passing the bill now under consideration is imperative. The preparatory commission of the United Nations Organization is now in session in London, preparing for the meeting of the Assembly of the Organization in January. All over the globe there are many disturbing questions in the international field. Because of the importance and urgency of this matter, I am very hopeful that we may make some progress along the line of voting upon the pending amendment.

The Senator from Texas has no disposition to prevent fair and full discussion, but the pending amendment has been discussed by its author for about 3 days, and I think that every Senator who wants to understand it has had an opportunity to do so. The attendance has been meager, I will admit, but that is not the fault of the Members who are in charge of the bill. They cannot compel Senators to be present, and if present they cannot compel them to listen, and if they do listen they cannot be compelled legislatively to react.

Mr. President, this plea is addressed to both sides of the aisle; it is addressed to Senators for the bill and those who are against the bill. I beg that there be no manifestation of obstructive tactics, simply for delay, for road blocking in the way of the advancing forces who favor the early implementation of this organization.

It is not having a good effect on foreign countries for it to appear that the United States is hesitating, stopping, and worrying about whether it will enter this Organization or not. We are supposed to be at least one of the great leaders in this movement for international peace and harmony and the settlement of disputes and the adjusting of difficulties through peaceful means. So I make a sincere appeal to all Senators to let us proceed with all due haste—not necessarily haste, but all due progress, because we want to understand these matters. The amendments to the bill have been on the desks of Senators for many days, and I think that they are not so complicated or abstruse but they are readily understandable by all Members of the Senate. I appeal to Senators not to indulge in the temptation of delay and obstruction, but that we proceed to vote on the amendments which are pending.

**CITATIONS TO FIRST LT. JAMES H. WILSON AND SECOND LT. GEORGE A. WILSON**

Mr. HICKENLOOPER. Mr. President, for some time I have been attempting to obtain the record of two citations which I desired to call to the attention of the Senate. I have received them only this morning.

My colleague the senior Senator from Iowa [Mr. WILSON], along with many other Members of the Senate and of the House of Representatives, has children

in the armed forces. My colleague has three very fine boys in the service, whom I have known for many years, who have distinguished themselves in the service of their country in Europe in this war, especially in the invasion of Germany and the military activities there. Two of these boys have received citations, and I should like to read into the RECORD the citations of these two lads. The first is a citation of First Lieutenant—now Captain—James H. Wilson, and it read as follows:

**HEADQUARTERS, XII CORPS,  
OFFICE OF THE COMMANDING GENERAL.**

**CITATION TO ACCOMPANY GENERAL ORDER**

An Air Medal is awarded to James H. Wilson, O1183796, first lieutenant, Field Artillery, Four Hundred and Tenth Field Artillery Group, who, while serving with the Army of the United States, distinguished himself by meritorious achievement while participating in aerial flight over France during the period September 15 to October 13, 1944. While serving as air observer, Lieutenant Wilson distinguished himself by outstanding service in flying 42 sorties near or over enemy lines for the purpose of conducting fire missions against enemy installations. The meritorious achievement of Lieutenant Wilson in the outstanding performance of his missions during the period mentioned measurably contributed to the success of the operations.

I may say that in the cold language of this citation the description is not quite adequate. Lieutenant Wilson, now captain, flew in a cub scouting plane at low altitude, and flew 42 missions in less than 32 days, as I recall the number. Three of the reconnaissance planes were shot down, and he contributed very greatly to the success of our arms at that time in the sector where he was active.

The second citation is of one of the other sons of my colleague. It is a citation in connection with the award of a Bronze Star Medal to Second Lt. George A. Wilson, and reads as follows:

**EIGHTY-THIRD INFANTRY DIVISION,  
OFFICE OF THE COMMANDING GENERAL.**

**CITATION AWARD OF BRONZE STAR MEDAL**

Second Lt. George A. Wilson, O1019378, Infantry (AF), Seven Hundred and Thirty-sixth Tank Battalion, United States Army:

For distinguishing himself by heroic achievement in connection with military operations against an enemy of the United States on April 14, 1945, in Germany. In the Harz Mountains, just south of Wernigerode, four infantrymen were pinned down in a ditch by enemy small arms, machine gun, and Panzerfaust fire. They signaled Lieutenant Wilson, who, upon seeing their plight, went forward in his tank through a hail of small arms, machine gun, and Panzerfaust fire, and covered the four men in distress with fire from the tank until it was possible for them to move into such a position whereby they could defend themselves. Lieutenant Wilson's heroic devotion to duty and his disregard for his own personal safety brings the highest credit upon himself and the military service. Entered military service from Iowa.

**REPORT OF A COMMITTEE, TOGETHER  
WITH MINORITY VIEWS, SUBMITTED  
DURING THE RECESS**

Under authority of the order of November 30, 1945,

Mr. McCARRAN, from the Committee on Commerce, to which was referred the bill (S. 326) to create the All-American Flag Line, Inc., and to assure the

United States world leadership in the field of air transportation, submitted on December 1, 1945, an interim report (No. 805) thereon.

Mr. BILBO (for Mr. BAILEY) submitted on December 1, 1945, views of the minority of the Committee on Commerce on the bill (S. 326) to create the All-American Flag Line, Inc., and to assure the United States world leadership in the field of air transportation, which were ordered to be printed as part II of Report No. 805.

**EXECUTIVE COMMUNICATIONS, ETC.**

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

**PROPOSED PROVISIONS RELATING TO AN EXISTING APPROPRIATION FOR THE VETERANS' ADMINISTRATION**

A communication from the President of the United States, transmitting drafts of proposed provisions relating to an appropriation for the Veterans' Administration (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

**ORDINANCE PASSED BY MUNICIPAL COUNCIL  
OF ST. CROIX, V. I.**

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copy of municipal council bill No. 54, an ordinance to impose certain excise taxes in the municipality of St. Croix, and for other purposes, passed by the Municipal Council of St. Croix (with an accompanying paper); to the Committee on Territories and Insular Affairs.

**REPORT OF NATIONAL ARCHIVES TRUST  
FUND BOARD**

A letter from the Chairman of the National Archives, transmitting, pursuant to law, the annual report of the National Archives Trust Fund Board for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on the Library.

**FINANCIAL RECORD OF THE ELECTRIC  
UTILITY INDUSTRY**

A letter from the Acting Chairman of the Federal Power Commission, transmitting, pursuant to law, a copy of the Commission's newly issued report entitled "The Finance Record of the Electric Utility Industry" (with an accompanying report); to the Committee on Interstate Commerce.

**REPORT OF THE COMMISSION ON LICENSURE,  
DISTRICT OF COLUMBIA, RELATING TO HEALING ARTS PRACTICE ACT**

A letter from the President of the Commission on Licensure, Healing Arts Practice Act, of the District of Columbia, transmitting, pursuant to law, a report showing the activities of that Commission for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on the District of Columbia.

**PETITIONS**

The PRESIDENT pro tempore laid before the Senate the following petitions, which were referred, as indicated:

The petition of Robert Edward Edmondson, of Grass Valley, Calif., praying redress of his grievances, succor, and relief (with accompanying papers); to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Gary, Ind., favoring the enactment of the so-called Wagner-Elender-Taft general housing bill; to the Committee on Banking and Currency.

Several petitions of citizens of New York City, N. Y., praying for the enactment of legislation requesting the President and



Secretary of State to devote their efforts to the restoration of a free Lithuania; to the Committee on Foreign Relations.

#### PROPOSED IRRIGATION PROJECT IN NEBRASKA

Mr. BUTLER. Mr. President, I ask unanimous consent to present for appropriation reference and printing in the RECORD a resolution adopted by the Grand Island (Nebr.) Rotary Club, at its regular weekly meeting at Grand Island, Nebr., on Monday, November 12, 1945, relating to a proposed irrigation project in the central part of the State of Nebraska.

There being no objection, the resolution was received, referred to the Committee on Irrigation and Reclamation, and ordered to be printed in the RECORD, as follows:

Whereas Grand Island and its entire trade territory is fundamentally and principally an agricultural area and particularly adapted to irrigation and the specialized farming most advantageously conducted under irrigation on account of the type of soil and terrain; and

Whereas the Mid-State Public Power and Irrigation District has been created and organized, having determined that there is a large acreage within its borders located in Buffalo, Hall, and Merrick Counties, it being determined by the plans and specifications of said district that this acreage may be provided with irrigation by constructing said irrigation district which will result in specialized farming, providing an increase in agricultural products for this area and the State of Nebraska, providing increased wealth for the entire State of Nebraska, providing employment both in the construction of the project and in the business of farming, as well as related businesses and industries; and

Whereas the construction of this facility would afford recreation facilities and wildlife conservation, both of which are greatly needed in this area and in which the peoples of this area are vitally interested; and

Whereas the construction of the district will provide increased power for this area in particular and the entire State in general, adding to the wealth of the State directly and indirectly and the inducement to business and industrial development: Now, therefore, be it

*Resolved*, That the Grand Island Rotary Club endorse the Mid-State Public Power and Irrigation District and request the counsel, advice, and assistance of the Honorable Dwight Griswold, Governor of the State of Nebraska, the Nebraska Legislature, the Nebraska Congressmen, and the Nebraska Senators, and urge that they use their efforts and influence in assisting the Mid-State Public Power and Irrigation District in securing approval of the project, financing for its construction and the ultimate completion of said project. That copies of this resolution be forwarded to the Honorable Dwight Griswold, Governor of the State of Nebraska, the Nebraska State Legislature, the Congressmen from Nebraska, and the Senators from Nebraska.

GRAND ISLAND ROTARY CLUB,  
HERBERT F. MAYER,  
President.

Attest:

R. L. WOLCOTT,  
Secretary.

#### PEACETIME MILITARY TRAINING

Mr. CAPPER. Mr. President, I have received a letter from Emory Lindquist,

secretary, Kansas Council of Church-Related Colleges, Lindsborg, Kans., together with resolutions adopted by members of the Kansas Council of the Church-Related Colleges, at Winfield, Kans., on October 27, 1945, in which they protest against the enactment of peacetime compulsory military training. I ask unanimous consent to present the letter and resolutions, and that they be appropriately referred and printed in the RECORD.

There being no objection, the letter and resolutions were received, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

BETHANY COLLEGE,  
Lindsborg, Kans., November 27, 1945.  
Senator ARTHUR CAPPER,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR CAPPER: As secretary of the Kansas Council of Church-Related Colleges, I am transmitting to you at this time a series of resolutions by this group. These statements represent the best judgment of the members on compulsory military training in peacetime with regard to comprehensive issues associated with national defense and American leadership in the world community.

The opposition to compulsory military training in peacetime is based upon the factors listed which seem worthy of serious consideration.

We shall appreciate the attention which you may give to these resolutions on this vital subject.

Sincerely yours,

EMORY LINDQUIST,  
Secretary, Kansas Council  
of Church-Related Colleges.

*Be it resolved by the members of the Kansas Council of Church-Related Colleges, assembled in regular session at Winfield, Kans., on this 27th day of October 1945, as follows:*

That we, the presidents of the church-related colleges of the State of Kansas express ourselves as unequivocally opposed to the proposition of compulsory military training in time of peace in the United States of America, as undemocratic, un-American, wasteful of manpower, and all but prohibitive from the standpoint of expense. What we need is intelligent and sympathetic understanding that makes for good will. We must bridge the gap between our moral lag and our scientific and technological advance. Fears and hatreds must be disarmed before there is peace and this is not done by competitive armaments which anticipate war even among our allies; but it therefore further

*Resolved:*

1. That we petition the Congress to declare the war officially at an end as of September 2, 1945, as we believe it is vastly more important for the future security of our country to play fair with the men and women who enlisted for the duration plus 6 months than it is to guard against some unforeseen immediate need of national defense by keeping men and women in the armed forces against their will and their definite understanding as to contract.

2. That we express ourselves as favorable to the maintenance of adequate or reasonable forces of international police and national defense on a voluntary basis but that the methods of such training be thoroughly revised and brought into conformity with the demands for defense in our modern world.

3. That we favor the proposal of Representative JOSEPH MARTIN for international abolition of conscription in peacetime and that adequate provision be made for the promotion of that objective among the nations.

4. That we favor immediate and continued consideration by Congress of plans for instituting increased constructive measures of peaceful cooperation with other nations through the Department of State and the decreasing as rapidly as possible of provision for and expense involved in our present methods of preparation for war; be it further

*Resolved*, That copies of these resolutions be sent to the President of the United States, the chairman of the Senate and the House Committees on Military Affairs, to the two Senators and the various Representatives from the State of Kansas.

ANDREW B. MARTIN,  
President (President of Ottawa University, Ottawa, Kans.)

EMORY LINDQUIST,  
Secretary (President of Bethany College, Lindsborg, Kans.)

W. W. PETERS,  
Committee Member (President of McPherson College, McPherson, Kans.)

NELSON P. HORN,  
Committee Member (President of Baker University, Baldwin, Kans.)

#### TRIBUTE TO BERNARD M. BARUCH— LETTER FROM ROLLAND E. FRIEDMAN, INDIANAPOLIS, IND.

Mr. CAPPER. Mr. President, I have received a letter from Rolland E. Friedman, of Indianapolis, Ind., paying a well-deserved tribute to Bernard M. Baruch, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., November 26, 1945.  
HON. ARTHUR CAPPER,  
United States Senator,  
Senate Office Building,  
Washington, D. C.

MY DEAR SENATOR CAPPER: Few if any men in the history of our country have been and are respected and held in such reverence as is Bernard M. Baruch. When, we the people, need reassurance, encouragement, and the facts, he is called upon to do the job, and, in his answer, we take heart—for we believe him as we do no other man.

His great service to this country is immeasurable and without thought of personal reward.

I have talked to thousands of people in all walks of life and almost to the man—Democrat and Republican alike—they feel his great work should be rewarded with the highest decoration it is in the power of our country to give him. Don't you?

There is nothing personal in this for I do not even know Mr. Baruch.

Yours very truly,

ROLLAND E. FRIEDMAN.

#### TRANSCRIPTS OF GENERAL MOTORS AND UNITED AUTOMOBILE WORKERS-CIO AT NEGOTIATING MEETING

Mr. MURRAY. Mr. President, I wish to inform the members of the Senate that the verbatim transcripts of the negotiating meeting of General Motors Corp. and the United Automobile Workers-CIO have been filed with the Senate Education and Labor Committee and are available for inspection in the committee room in the Capitol.

This is the record which is being studied by a group of distinguished leaders of American opinion at a conference being held in Detroit, December 4 and 5. It is made available to the Members of the Senate and House as part of the open-door policy followed by the union in its wage negotiations with the General Motors Corp.

I ask unanimous consent to insert in the RECORD at this point a brief letter from Walter P. Reuther, vice president and director of the General Motors department, UAW-CIO, transmitting the verbatim transcript of the negotiations and certain related documents.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED AUTOMOBILE, AIRCRAFT,  
AGRICULTURAL IMPLEMENT WORKERS  
OF AMERICA (UAW-CIO),  
Washington, D. C., December 3, 1945.  
Senator JAMES E. MURRAY,  
Chairman, Senate Education  
and Labor Committee,  
The Capitol, Washington, D. C.

DEAR SENATOR MURRAY: Transmitted herewith is a set of the verbatim transcripts of General Motors Corp.-UAW-CIO negotiating meetings from October 19 through November 26, together with certain related documents listed below.

Since August 18 the union has sought to follow an open-door policy in our wage negotiations with General Motors. Pursuant thereto, we have asked a group of distin-

guished citizens to meet in Detroit December 4 and 5 to examine the verbatim record of our attempts to negotiate a peaceful settlement of the wage dispute on the basis of the arithmetic of the case.

Some of those invited have replied that they were unable to come, but suggested that the transcript be made available in Washington. We hope you will put these documents on file in the office of your committee, where they may be inspected by Members of the Senate and House and also correspondents and commentators interested in the case.

Because of the cost, we can make only one transcript available at this time.

The documents transmitted:  
Transcript of meeting of October 19.  
Transcript of meeting of October 23 (a. m.).  
Transcript of meeting of October 23 (p. m.).  
Transcript of meeting of October 24.  
Transcript of meeting of October 26.  
Transcript of meeting of November 7.  
Transcript of meeting of November 9.  
Transcript of meeting of November 16.  
Economic brief, Purchasing Power for Prosperity, presented by UAW-CIO, October 19-26.  
General Motors reply brief, November 7.  
UAW-CIO First Supplemental Brief, November 9.  
General Motors Second Reply, November 15.

UAW-CIO Second Supplemental Brief, November 17.

The Calendar of General Motors Refusal to Bargain Collectively in Good Faith, November 19.

UAW-CIO Proposal of Arbitration, November 19.

UAW-CIO Statement Announcing Strike in General Motors Plants, November 20.

General Motors Rejection of Arbitration, November 23.

UAW-CIO Statement Commenting on General Motors Refusals, November 24.

Your cooperation in promoting the widest possible understanding of the issues in the pending wage dispute between our union and the General Motors Corporation will be appreciated.

Sincerely yours,

WALTER P. REUTHER,  
Vice President,

Director, General Motors Department.

#### REPORT OF A COMMITTEE

Mr. McCARRAN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 11) designating January 5, 1946, as George Washington Carver Day, reported it with an amendment and submitted a report (No. 806) thereon.

#### PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate reports for the month of November 1945 from the chairmen of certain committees, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which were ordered to lie on the table and to be printed in the RECORD, as follows:

#### APPROPRIATIONS

DECEMBER 3, 1945.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

name of person employed by the committee who is not a full-time employee of the Senate or of the committee for the month of November 1945, in compliance with the terms

of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Mrs. Mamie L. Mizen.....	1434 Saratoga Ave.....	District of Columbia government.....	\$3,970

KENNETH MCKELLAR, Acting Chairman.

#### SENATE NAVY LIAISON OFFICE, ROOM 461, SENATE OFFICE BUILDING

NOVEMBER 30, 1945.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1945, in compliance with the terms

of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Lt. Comdr. Frederick A. McLaughlin, U. S. Naval Reserve.	317 Lynn Drive, Chevy Chase, Md.....	Bureau of Naval Personnel, Navy Department, Washington, D. C.	\$3,000
Lt. Comdr. Joseph G. Feeney, U. S. Naval Reserve.	2745 20th St. NW, Washington, D. C.....	do.....	3,150
Lt. W. R. Borsdorff, U. S. Naval Reserve.	1630 Rhode Island Ave. NW, Washington, D. C.....	do.....	2,520
Loretto F. Jochman, yeoman second class, U. S. Naval Reserve.	3445 Oakwood Terrace, NW, Washington, D. C.....	do.....	1,152
Eleanor W. St. Clair, yeoman second class, U. S. Naval Reserve.	do.....	do.....	1,152
J. Huxman, seaman first class, U. S. Naval Reserve.	WAVE Quarters D, Washington, D. C.....	do.....	742
C. Wilson, seaman first class, U. S. Naval Reserve.	do.....	do.....	742

The above employees are representatives of the Bureau of Naval Personnel, Navy Department, to assist Senators on naval personnel matters.

DAVID I. WALSH.



## COMMITTEE ON NAVAL AFFAIRS

NOVEMBER 30, 1945.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1945, in compliance with the terms

of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Capt. James A. Saunders, U. S. Navy (retired).	4105 Oliver St., Chevy Chase, Md.	Office of the Chief of Naval Operations, Navy Department, Washington, D. C.	\$6,000
Chief Yeoman Herbert S. Atkinson (T), U. S. Naval Reserve.	2405 Pennington Rd., Trenton, N. J.	do.	1,739
Yeoman (1st cl.) John M. Flannery, U. S. Naval Reserve.	17 Livingston St., Binghamton, N. Y.	do.	1,436

DAVID I. WALSH, Chairman.

## COMMITTEE ON EDUCATION—SUBCOMMITTEE ON WARTIME HEALTH AND EDUCATION

DECEMBER 1, 1945.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November 1945, in compliance with the terms

of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Lauretta April	2714 Quarry Rd. NW., Washington, D. C.	National Housing Agency, 1001 Vermont Ave. NW.	\$4,300
Charles Bragman	Arlington Village Apartments, Arlington, Va.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	6,440
Betty Brimberg	5331 16th St. NW., Washington, D. C.	Farm Security Administration, U. S. Department of Agriculture	2,100
Olive F. Caldbeck	237 Mississippi Ave. SE., Washington, D. C.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	2,329
Groff Conklin	514 2d St. NW., Washington, D. C.	U. S. Public Health Service	6,230
Philip C. Curtis	4303 Russell Ave., Mount Rainier, Md.	Navy Department, 18th St. and Constitution Ave. NW.	4,600
Patricia Daines	2000 F St. NW., Washington, D. C.	Department of Labor, 14th St. and Constitution Ave. NW.	2,100
Richard P. Daniels	1743 Columbia Rd. NW., Washington, D. C.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	1,704
Marion L. Dillon	3659 Minnesota Ave. SE., Washington, D. C.	Navy Department, 18th St. and Constitution Ave. NW.	4,300
Rose Gerber	2513 14th St. NW., Washington, D. C.	do.	2,000
Bernard Leroy	Persimmon Tree Rd., Bethesda, Md.	do.	7,500
Carl Malmberg	1813 F St. NW., Washington, D. C.	Federal Security Agency, 1825 H St. NW.	7,175
Joseph McMurray	120 C St. NE., Washington, D. C.	Department of Labor, 14th St. and Constitution Ave. NW.	5,180
Love Morgan	1607 18th St. SE., Washington, D. C.	Veterans' Administration, Vermont Ave. and I St. NW.	2,650
Dolores Raschella	3028 Wisconsin Ave. NW., Washington, D. C.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	2,320
Milton Rosoff	2712 29th St. SE., Washington, D. C.	Office of Labor, Department of Agriculture	4,500
Comdr. John B. Truslow, Medical Corps, U. S. Naval Reserve.	2067 Peabody St., West Hyattsville, Md.	Navy Department, 18th St. and Constitution Ave. NW.	
Capt. Leslie Falk, Medical Corps, Army of the United States.	2804 Terrace Rd. SE., Washington, D. C.	War Department, Pentagon Bldg.	

CLAUDE PEPPER, Chairman.

UNITED STATES SENATE,  
COMMITTEE ON MILITARY AFFAIRS,  
SUBCOMMITTEE ON SURPLUS PROPERTY,  
November 29, 1945.

Hon. KENNETH MCKELLAR,  
President, United States Senate,  
Washington, D. C.  
DEAR MR. PRESIDENT: Pursuant to Senate

Resolution 318, I am transmitting herewith a list of employees of the Surplus Property Subcommittee (S. Res. 129) of the Senate Committee on Military Affairs who are not full-time employees of the Senate. Included with this list is the name and address of each such employee, the name and address

of the Department paying the salary of such employee, and the annual rate of compensation for each such employee.

Respectfully yours,

JOSEPH C. O'MAHONEY,  
Chairman, Surplus Property Subcommittee.

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Kurt Borchardt	6007 34th Pl. NW., Washington, D. C.	Reconstruction Finance Corporation, Washington, D. C.	\$7,240
Mabel Graham	1474 Columbia Rd. NW., Washington, D. C.	Smaller War Plants Corporation, Washington, D. C.	2,321
Hilda Hamilton	705 18th St. NW., Washington, D. C.	Reconstruction Finance Corporation, Washington, D. C.	2,890

## SENATE COMMITTEE ON PUBLIC LANDS AND SURVEYS

NOVEMBER 30, 1945.

To the Senate:

The above-mentioned committee hereby submits the following report showing the name of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of November, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944 (see attached memorandum):

Memorandum to Senator CARL A. HATCH, chairman, Senate Committee on Public Lands and Surveys.

From Senator PAT MCCARRAN, Chairman of the Subcommittee Investigating the Administration and Use of Public Lands.

The following persons are detailed from the Department of Agriculture to assist with the work of the above-mentioned subcommittee:

E. S. Haskell, senior administrative officer, Forest Service, CAF-2; basic salary, \$5,000 per annum.

Elizabeth Heckman, clerk, CAF-5; basic salary, \$2,000 per annum.

CARL A. HATCH, Chairman,  
By W. H. McMANS, Clerk.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 1637. A bill for the relief of Herbert C. Rockwell; and

S. 1638. A bill for the relief of Salvatore Carbone; to the Committee on Claims.

By Mr. MITCHELL:

S. 1639. A bill to amend the Transportation Act of 1940 so as to establish a National Air Policy Board, and for other purposes; to the Committee on Interstate Commerce.

By Mr. MCCARRAN:

S. 1640. A bill to provide for the acquisition by the United States of certain real property in the District of Columbia; to the Committee on the District of Columbia.

(Mr. MOORE introduced the following bills, which were referred as indicated, and appear under a separate heading:)

S. 1641. A bill to amend the National Labor Relations Act;

S. 1642. A bill to provide for the election of labor-organization officials and for other purposes; and

S. 1643. A bill declaring certain contracts and practices relating to employment unlawful, prescribing penalties, and for other purposes; to the Committee on Education and Labor.

S. 1644. A bill to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934; to the Committee on the Judiciary.

S. 1645. A bill to amend subsection (a) of section 303 of the Social Security Act, as amended; to the Committee on Finance.

S. 1646. A bill to amend section 6 of the act entitled "An act to supplement existing law against unlawful restraints and monop-

olies, and for other purposes," approved October 15, 1914; and

S. 1647. A bill to repeal the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (relating to the granting of injunctions in cases involving labor disputes); to the Committee on the Judiciary.

S. 1648. A bill to amend the Federal Corrupt Practices Act, 1925, as amended; to the Committee on Privileges and Elections.

By Mr. McKELLAR:

S. 1649. A bill to authorize the construction of a new Federal office building at Nashville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIS:

S. 1650. A bill to provide for the incorporation of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 62 years old; to the Committee on the Judiciary.

By Mr. WILLIS (for himself and Mr. CAPEHART):

S. 1651. A bill to authorize the establishment of an additional coinage mint of the United States; to the Committee on Finance.

By Mr. BARKLEY:

S. 1652. A bill to amend the act entitled "An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians," approved April 10, 1928, and for other purposes; to the Committee on the Library.

#### PROPOSED LABOR POLICY OF THE UNITED STATES

Mr. MOORE. Mr. President, I ask unanimous consent to introduce for appropriate reference a series of eight bills to effectuate what I believe to be a wholesome and reasonable labor policy of the United States. In my opinion, the proposed legislation will place industry and labor on equal terms for the purposes of collective bargaining, the settlement of labor-management disputes, bring about more harmonious labor-industry relations, reduce strikes, and work stoppages, promote production, speed reconversion to a peacetime economy, and minimize our fast developing inflationary trend.

The proposed bills and amendments are as follows:

First. An amendment to the National Labor Relations Act to require collective bargaining to be conducted by the proper employee unit in each plant, shop, or other establishment, but in no case larger than the employee group of any separate plant, shop, or other establishment, in order that the employees directly affected may negotiate with respect to their own wages, hours, and working conditions. Industry-wide bargaining develops monopoly and disregards local conditions or the desires and benefits of local groups. The amendment would require the courts to weight the sufficiency of the evidence supporting the findings of fact of the Board and would deny the benefits of the act to any labor organization striking or threatening to strike in violation of its contract, and further provides that nothing in the act shall prohibit the prosecution of any cause of action in any court of competent jurisdiction for the recovery of damages by any person injured as a result of strikes or other violation of a labor contract.

Second. An amendment to the anti-racketeering law of June 18, 1935, to provide that unions, labor organizations, or any official or member thereof, shall be subject to the same restraints against interference with trade and commerce by violence, threats, coercion, or intimidation as any other person or individual.

Third. An amendment of the Social Security Act providing for the withholding of unemployment compensation to which Federal contributions have been made in any case where the employee is unemployed as a result of a strike, unless such unemployment is the direct and unavoidable result of the strike and such unemployed person is not a member of the labor organization engaged in a strike and the employer shall certify such fact to the State agency administering the unemployment compensation.

Fourth. An amendment to section 6 of the Clayton Act to make labor organizations, their officers, representatives, or members subject to the same antitrust laws as other corporations and individuals.

Fifth. An amendment to the Federal Corrupt Practices Act of 1925 to make political committees or other organizations affiliated directly or indirectly with any labor organization subject to the provisions of the act.

Sixth. A bill to repeal the Norris-La-Guardia Act, thus restoring to the courts equity jurisdiction to grant injunctions in aid of equitable relief in labor disputes.

Seventh. A bill to require labor organizations to conduct annual elections of their officers and bargaining representatives and to conduct annual audits of their financial affairs and make the same public.

Eighth. A bill declaring it unlawful for management and labor to enter into contracts providing for a closed shop or a union shop, or providing for the check-off of union dues or assessments, unless pursuant to the separately given consent in writing of each employee affected. This bill is in line with a long-standing labor policy of the United States as reflected in the various railway labor acts.

There being no objection, the bills introduced by Mr. MOORE were received, read twice by their titles, and referred as follows:

S. 1641. A bill to amend the National Labor Relations Act;

S. 1642. A bill to provide for the election of labor organization officials, and for other purposes; and

S. 1643. A bill declaring certain contracts and practices relating to employment unlawful, prescribing penalties, and for other purposes; to the Committee on Education and Labor.

S. 1644. A bill to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934; to the Committee on the Judiciary.

S. 1645. A bill to amend subsection (a) of section 303 of the Social Security Act, as amended; to the Committee on Finance.

S. 1646. A bill to amend section 6 of the act entitled "An act to supplement existing law against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and

S. 1647. A bill to repeal the act entitled "An act to amend the Judicial Code and

to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (relating to the granting of injunctions in cases involving labor disputes); to the Committee on the Judiciary.

S. 1648. A bill to amend the Federal Corrupt Practices Act, 1925, as amended; to the Committee on Privileges and Elections.

#### HOUSE BILL REFERRED

The bill (H. R. 4805) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### COMPENSATION OF OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT—AMENDMENTS

Mr. DOWNEY submitted amendments intended to be proposed by him to the bill (S. 1415) to increase the rates of compensation of officers and employees of the Federal Government, which were ordered to lie on the table and to be printed.

#### ADDITIONAL APPROPRIATION FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION—AMENDMENT

Mr. WHERRY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 266) making an additional appropriation for the United Nations Relief and Rehabilitation Administration, which was ordered to lie on the table and to be printed, as follows:

Amendment intended to be proposed by Mr. WHERRY to the joint resolution (H. J. Res. 266) making an additional appropriation for the United Nations Relief and Rehabilitation Administration, viz: On page 2, line 2, after "1947", insert a colon and the following: "Provided further, That no part of the appropriation herein shall be available subsequent to December 31, 1945, for the furnishing of relief or rehabilitation supplies or services to any country unless and until the President has received from the Director General of the United Nations Relief and Rehabilitation Administration a certification to the effect that the furnishing by such Administration of relief and rehabilitation supplies and services, in the case of such country, will be made only under agreements between the United Nations Relief and Rehabilitation Administration and such country or other suitable arrangements providing that such country shall supply to accredited United Nations Relief and Rehabilitation Administration personnel all necessary facilities, credentials, documents, and safe conduct in carrying out the objectives of the United Nations Relief and Rehabilitation Administration agreement and in making all necessary inspections and investigations, including inspections and investigations by personnel other than nationals of such country for the purpose of obtaining information as to the need for and the use of the relief and aid being or to be furnished such country."

#### FIRST DEFICIENCY APPROPRIATION ACT, 1946

Mr. MITCHELL submitted two amendments intended to be proposed by him to the bill (H. R. 4805) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending



June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

Amendment intended to be proposed by Mr. MITCHELL to the bill (H. R. 4805) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, viz: Under the heading "Department of the Interior" and after all other matters under such heading insert the following:

**"BUREAU OF MINES**

"Construction and equipment of a Pacific Northwest electrochemical laboratory; To cover the construction and equipment of an electrochemical laboratory in the Pacific Northwest to study and conduct research in the application of electrical energy to the production and processing of chemicals, and to develop new processes for the use of electrical energy in the production and processing of chemicals in such region with a view to the more complete utilization of the natural resources of such region, for the fiscal year 1946, including personal services in the District of Columbia and elsewhere; purchase in the District of Columbia and elsewhere of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs; professional and scientific books and publications; traveling expenses; purchase of land; construction and equipment of a building or buildings to house the electrochemical laboratory; engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5) and at such rates of compensation as the Secretary of the Interior may determine, of the services of architects or firms or corporations thereof, that are necessary to design and construct the building or buildings; and for all other necessary expenses not included in the foregoing, \$1,000,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to this appropriation: *And provided further*, That the Secretary of the Interior, acting through the Director of the Bureau of Mines, is hereby authorized to accept lands, buildings, or other contributions from public or private sources offering to cooperate in carrying out the purposes of this laboratory."

Amendment intended to be proposed by Mr. MITCHELL to the bill (H. R. 4805) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, viz: Under the heading "Bureau of Reclamation, reclamation fund, special fund" and after the matter reading "Yakima project, Washington, Roza division, \$1,650,000," insert the following:

"Kennewick division, Washington, \$1,000,000;

"Greater Wenatchee pumping project, Washington, \$1,400,000";

Under the heading "Bureau of Reclamation, reclamation fund, special fund", strike out the matter reading "Total, from the reclamation fund, \$20,442,000," and insert in lieu thereof the following:

"Total, from the reclamation fund, \$22,842,000."

**ADDRESS BY SENATOR CHAVEZ ON RELIGIOUS AND RACIAL INTOLERANCE**

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD an address delivered by him at a conference called by the

Chicago Council Against Religious and Racial Intolerance, at Chicago, Ill., on December 1, 1945, which appears in the Appendix.]

**THE COST ABSORPTION POLICY—LETTERS OF JAMES G. PATTON AND CHESTER BOWLES**

[Mr. WAGNER asked and obtained leave to have printed in the RECORD letters addressed to him respectively by James G. Patton, president of the National Farmers Union; and Chester Bowles, Price Administrator, relative to the policy of cost absorption at manufacturer and distributive levels, which appear in the Appendix.]

**STOPPAGE OF WORK ON SHIPS TO BE USED FOR DEMOBILIZATION**

[Mr. MORSE asked and obtained leave to have printed in the RECORD an address entitled "We Have the Ships—Speed our GI's Home," delivered by Joseph Curran, president of the National Maritime Union, on Tuesday, November 27, 1945, which appears in the Appendix.]

**PROPOSED ACQUISITION OF ST. JOHN'S COLLEGE BY THE NAVY—EDITORIAL FROM THE WASHINGTON POST**

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Annapolis Shadow," from the Washington Post, which appears in the Appendix.]

**COURTS-MARTIAL REVIEW—EDITORIAL FROM THE SAN FRANCISCO CHRONICLE**

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Courts-Martial Review," from the San Francisco Chronicle of November 28, 1945, which appears in the Appendix.]

**TWO TRIALS IN GERMANY—EDITORIAL FROM THE MEMPHIS PRESS-SCIMITAR**

[Mr. EASTLAND asked and obtained leave to have printed in the RECORD an editorial entitled "Two Trials in Germany," published in the Memphis Press-Scimitar of December 1, 1945, which appears in the Appendix.]

**DESTRUCTION OF GOVERNMENT PROPERTY ON PACIFIC ISLANDS**

Mr. DONNELL obtained the floor.

Mr. LANGER and Mr. WHEELER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield; and if so, to whom?

Mr. DONNELL. I yield first to the Senator from North Dakota.

Mr. LANGER. I suggest the absence of a quorum.

Mr. DONNELL. Will the Senator from North Dakota withhold the suggestion for a moment? The Senator from Montana was on his feet, and I should like to yield to him.

Mr. LANGER. I withhold the suggestion.

Mr. WHEELER. Mr. President, a very eminent physician of my own city, Virginia City, Mont., writes me a letter and encloses a newspaper clipping which is headed, "Yanks wrecking equipment, Australian radio says."

I may say that this is a United Press story. The article reads:

**YANKS WRECKING EQUIPMENT, AUSTRALIAN RADIO SAYS**

SAN FRANCISCO, November 26.—The United States Army is burning and destroying \$3,250,000 worth of equipment, including canned foods, radios, medical equipment, and typewriters, in the Flinschhaven area of New Guinea, and similar destruction is taking place on islands north of Australia, Melbourne radio reported Monday.

Quoting a correspondent of the Melbourne Herald, the broadcast said that "American Army men are burning and bulldozing in the earth everything they cannot sell or get rid of on the spot."

Melbourne said that radio transmitters, receivers, jeep motors, generators, hospital gear, vehicles, and typewriters are being tossed into the sea or plowed underground. "Huge quantities" of food also are being destroyed, said a broadcast, heard by United Press.

"Appalled by the thoroughness with which Americans are carrying out the order (to destroy), Australians have been intercepting full trucks and persuading drivers to transfer loads to them," Melbourne said. "Many drivers equally keen to avoid wanton waste are handing over tinned turkeys and vegetables and other delicacies."

"Australians too are getting rich hauls from salvage dumps awaiting disposal by fire or bulldozer."

Mr. President, I received also another clipping on this subject, from another gentleman. The doctor who enclosed the clipping writes me:

DEAR SENATOR WHEELER: I am enclosing a clipping from the Montana Standard of November 27, 1945. My wife heard the same thing over the radio a few days ago and if the conditions are true it makes my heart sick. My war taxes are hard enough to pay as I haven't been benefitted by any war work, etc. If the Army can't bring the stuff home give it to someone who can use it but don't destroy food equipment, etc., just for some fool reason. It doesn't make me feel like buying bonds or trying to pay taxes either. I know it isn't your fault, but I want to protest this asinine waste.

Mr. President, I have received reports of destruction of food and other materials by the Army, not only on this occasion, in this particular place, but in other places. We hear talk about voting money for UNRRA to feed the starving people of Europe and of Asia and other places, and I am in favor of that. I think we must do it, and do it just as soon as possible. However, I would much prefer that it be distributed by the United States alone, so that the United States may get the credit of the good will that comes from it, rather than to turn it over to an organization.

How can we ask people to approve our voting money for these things, however, when the Army is destroying food which should go to the starving people of the Orient? How can we approve appropriations and bond issues when the Army is destroying supplies, dumping them in the ocean, or plowing them under? It is one of the most outrageous and sinful things I have heard of in a long time, and if the report be true, the practice should be stopped, and should be stopped immediately.

Mr. CONNALLY. Mr. President, let me inquire if the Senator from Montana asked the War Department whether this report is true or not?

Mr. WHEELER. I have not asked the War Department whether it is true. I have been reading from a United Press dispatch. I said "if it be true." I do not know whether it is true or not.

Mr. CONNALLY. Does not the Senator think the War Department is entitled to an opportunity to deny or confirm it before it is given out with the sanction of the word of a United States Senator

as prominent and distinguished as the Senator from Montana?

Mr. WHEELER. I am not any more prominent or distinguished than the Senator from Texas. The United Press has sent this report all over the world. What I am saying is that if it is true, the practice should be stopped.

Mr. CONNALLY. I understand that. The Senator read a letter, the writer of which was impressed by the United Press report. I am not criticizing the United Press, but the press services are subject to check up, just as is everyone else. Now, the Senator seemingly approves the report. I do not mean he has done so in so many words, but to many untutored minds it will occur that "Senator WHEELER on the floor of the Senate charged this."

I am not a member of the Committee on Military Affairs, and have no brief for the War Department, but it occurs to me that before this charge is so widely publicized, Secretary Patterson, for instance, should have an opportunity of saying it is not true or that it is true. If it be true, then the Senator certainly has a jumping off place for his attack.

Mr. WHEELER. I presume I should have consulted the Senator before I made my statement.

Mr. CONNALLY. Oh, no.

Mr. WHEELER. I probably should have consulted the Senator before I made the statement; but I am reading an article from the United Press, not only an article that was sent to Montana for the daily newspapers, but it was quoted in San Francisco, and was quoted by the United Press all over the world. It was sent out on November 26, and if the War Department wanted an opportunity to deny it, they have had the opportunity, and so far as I know it has not been denied, and it was published several days ago. If it is not true, then they should deny it. Not only in this particular instance have these reports been sent to me, but I have received them on a number of other occasions. As I have said, if the reports are true, they indicate an outrageous, asinine, and sinful policy.

Mr. SHIPSTEAD. Mr. President, with reference to the matter brought up by the Senator from Montana, I wish to call attention to dispatches last week from Europe to the effect that approximately 600 employees of UNRRA had been discharged for peddling supplies in the black market. I have never seen that report denied by the UNRRA organization, and there was nothing indicating that these persons were to be prosecuted. I think we should have some information about the matter. If these employees were merely discharged without prosecution for dealing in the black market while on the pay roll of UNRRA, it seems to me the UNRRA should give us some explanation of it.

Mr. WHEELER. I do not know anything about the particular statement the Senator has referred to, but if it be true that employees are selling supplies in the black market, of course they should be prosecuted and sent to the penitentiary.

Mr. CONNALLY. Mr. President, I wish to reassure the Senator from Montana that the Senator from Texas is not

arrogating to himself any authority with regard to this matter, so that the sneer of the Senator that he should have consulted the Senator from Texas was wholly beside the point. I do not regard it as necessary for the Senator from Montana to consult me about any matter, because he does not do so. If he did, and followed the consultation, matters might be different in the Senate Chamber. I merely desire to let the Senator know that I was not indifferent or impervious to his rather venomous thrust at the Senator from Texas.

Mr. WHEELER. Mr. President, if the Senator from Texas thinks that there was any venomous thrust at him, I will withdraw the statement, because it was not intended in that way at all.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### RELIEF OF SICK AND HUNGRY PEOPLE IN EUROPE—STATEMENT BY SENATOR SHIPSTEAD

Mr. SHIPSTEAD. Mr. President—

Mr. DONNELL. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, I ask to have printed in the RECORD at this point a statement on the question of European relief which I broadcast from Station WINX on November 18, during a discussion of the question of relief. This is a part of the broadcast.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

According to the latest dispatches from Europe to the New York Times, "Europe faces one of its bleakest winters since the chaos of the Thirty Years' War. More than 20,000,000 homeless and desperate persons are now milling east and west, north and south across the continent.

"Germans, Poles, and Czechs pour into the devastated Reich to escape the slavery of the Russians in the occupied section of Germany. Hungarians trudge into the Pannonian plain. Hundreds and hundreds of thousands of former Nazi slaves crowd into freight cars and trucks and rusty ships on uncertain voyages to their uneasy homes. The Apocalyptic Horsemen are once again trampling Europe whose vital energies alone have saved it time and again from their deadly hoof-prints."

Tuberculosis is rife, the very young and the very old especially are beginning to die as the autumn leaves fall. From other undisputed sources, too numerous to quote, we learn from ten to twelve million or more people are expected to die from hunger, disease, and cold unless sufficient food, clothing, and fuel are furnished and honestly distributed. The terrible situation is aggravated by widespread black-market transactions in the most needed necessities of life. Starvation is reported to be widespread in Greece because of hunger and inflation. Ideological and racial conflicts have started in Africa, the Near, Middle, and Far East. Apparently these are fostered by some of the great powers.

According to the New York Times "the freedom for which so many nations fought is far from evident. Dictatorship succeeds dictatorship. In great areas faith has disappeared but nothing new arises to fill the vacuum." This is in small part the systematic and realistic diagnosis of the economic and political disease spreading amongst the hungry, sick, desperate, and disillusioned human beings throughout Europe and Asia.

What can we do? Winter will soon be upon Europe. It seems to me every resource and energy, public and private, must be adequately financed, quickly, efficiently and honestly, I said honestly collected, and

honestly distributed without political discrimination to the sick and hungry people. We must bring food, medicine, clothing, so far as lies in our power, in the hope that whatever relief we can give may serve as a quarantine against the spread of these calamities, otherwise the entire Europe and Asia may be engulfed in a revolutionary convulsion that may spread throughout the world.

#### CALL OF THE ROLL

Mr. LANGER. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Missouri yield for that purpose?

Mr. DONNELL. I yield for that purpose.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Gurney	Overton
Ball	Hart	Radcliffe
Barkley	Hayden	Reed
Bilbo	Hickenlooper	Revercomb
Brewster	Hill	Russell
Briggs	Hoey	Saltonstall
Brooks	Huffman	Shipstead
Buck	Johnson, Colo.	Smith
Bushfield	Johnston, S. C.	Stanfill
Butler	Knowland	Stewart
Byrd	Langer	Taft
Capehart	Lucas	Taylor
Capper	McCarran	Thomas, Utah
Carville	McClellan	Tunnell
Chavez	McKellar	Tydings
Connally	McMahon	Vandenberg
Donnell	Magnuson	Wagner
Downey	Maybank	Walsh
Eastland	Mead	Wheeler
Ellender	Millikin	Wherry
Ferguson	Mitchell	White
Fulbright	Moore	Wiley
George	Morse	Willis
Gerry	Murdock	Wilson
Gossett	Murray	Young
Green	O'Daniel	
Guffey	O'Mahoney	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from West Virginia [Mr. KILGORE] are necessarily absent.

The Senator from New Mexico [Mr. HATCH], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Florida [Mr. PEPPER] is absent on official business.

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] are necessarily absent.

The Senator from Oregon [Mr. CORNELL] is absent on official business as heretofore stated.

The Senator from New Jersey [Mr. HAWKES] is absent on official business.

The Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness.

The Senator from Wyoming [Mr. ROBERTSON] is absent on official business. He has been excused.

The PRESIDENT pro tempore. Seventy-nine Senators having answered to their names, a quorum is present.



SETTLEMENT OF INDUSTRIAL DISPUTES—  
MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read by the Chief Clerk, referred to the Committee on Education and Labor, and ordered to be printed, as follows:

*To the Congress of the United States:*

All who think seriously about the problem of reconversion—of changing our economy from war to peace—realize that the transition is a difficult and dangerous task. There are some who would have the Government during the reconversion period continue telling our citizens what to do, as was so often necessary when the very life of our Nation was at stake during the period of world conflict.

That, however, is not the policy of the Government. The policy is to remove wartime controls as rapidly as possible and to return the free management of business to those concerned with it.

It was for the express purpose of getting away as soon as possible from some of the wartime powers and controls that the recent National Labor-Management Conference was called in Washington. Instead of retaining in the Federal Government the power over wages and labor agreements and industrial relations which a global war had made necessary, the top leaders of management and labor were invited to recommend a program under which labor relations would be turned back into the hands of those involved.

It was decided that full responsibility for reaching agreement on such a program would be left with the representatives of labor and management. Accordingly the conference was made up of leaders of labor and management only. Government representatives participated only as observers, without vote. The agenda and the entire program were worked out by the leaders themselves.

In opening the conference I said:

I want to make it clear that this is your conference—a management-labor conference—and not a Government conference. You have not been chosen by me or by any Government official. You have been selected by the leading labor and industrial organizations in the United States. There has been no interference by government in that selection. \* \* \*

The time has come for labor and management to handle their own affairs in the traditional American, democratic way. I hope that I can give up the President's wartime powers as soon as possible, so that management and labor can again have the full and undivided responsibility for providing the production that we must have to safeguard our domestic economy and our leadership in international affairs.

I am sure that it was the hope of the American people that out of this conference would come some recommendation for insuring industrial peace where collective bargaining and conciliation have broken down.

The conference is now closed. The very fact that the top leaders of labor and management have met and worked together for more than 3 weeks is itself some progress.

Some agreements on a few general principles were also reached. For ex-

ample, agreement on the principles of collective bargaining, and recommendations on the detailed procedure to be used; agreement on strengthening and enlarging governmental conciliation services; recognition of the necessity of eliminating discrimination in employment; agreement on settling by voluntary arbitration grievances under labor contracts and disputes concerning their interpretation—these are all valuable.

But on the all-important question of how to avoid work stoppages when these expedients have failed the conference arrived at no accord. Failing in that, the conference was unable to attain the objective most necessary to successful reconversion.

If industrial strife continues, the quick reconversion which has been planned, and which is now proceeding on schedule or even ahead of schedule on many fronts, will fail. In that event, we shall face a period of low production, low consumption, and widespread unemployment, instead of the high production, high employment, good markets, and good wages that are within our grasp.

The history of labor relations has proven that nearly all labor disputes can and should be settled by sincere and honest collective bargaining. The vast majority of those disputes which are not adjusted by collective bargaining are settled through Government conciliation. For example, during the month of October last, 354 strikes were settled by the Conciliation Service, and 1,282 labor controversies were adjusted before any work stoppages occurred.

The American people commend the many instances where management and labor have settled their problems peacefully. Many of these were in critical industries where work stoppages would have gained great prominence in the newspapers and over our radios. But when industrial disputes were settled little notice was taken of them by press or radio.

We know, however, that there are always some disputes that cannot be settled this way.

Industrial strife in some key industries means not only loss of a great amount of wages and purchasing power; but it may have ramifications throughout the country affecting the whole reconversion process. In such industries, when labor and management cannot compose their differences, the public through the Federal Government has a duty to speak and to act. In the last analysis, labor, management, and the public have the same interest.

The reconversion effort is now going well. The people have a right to expect it to succeed. Specific obstacles that stand in its way must not be allowed to defeat that expectation.

Good labor relations are just as important now as they were during the war. They should be based on justice, and not on tests of strength. Any industrial dispute which depends for settlement upon the respective strength of the parties results in loss to everyone; it causes loss of wages to the worker and his family, loss of dividends to the stockholders and owners of the industry, loss of goods to the public.

I regret that labor and management have not been able to agree on machinery that would provide a solution for existing strikes in some of the major industries and for the strikes which are threatened. Strikes already in effect may possibly cripple our reconversion program. Negotiations have broken down in other industries, and stoppages are threatened.

The American people have been patient. They have waited long in the hope that those leaders in labor and management whose business it was to handle this problem would be able to do so in agreement. The Federal Government declined time and again to make any suggestions to the conference as to proper machinery. All that the Government did was to point out the objective which the American people expected it to attain.

Now that the conference has adjourned without any recommendation on the subject, it becomes the duty of the Government to act on its own initiative. Therefore, I now suggest to the Congress that well-reasoned and workable legislation be passed at the earliest possible moment to provide adequate means for settling industrial disputes and avoiding industrial strife.

I recommend that for the settlement of industrial disputes in important Nation-wide industries there be adopted the principles underlying the Railway Labor Act. The general pattern of that act is not applicable to small industries or to small local disputes in large industries. But it would be effective, as well as fair, in such widespread industries, for example, as steel, automobile, aviation, mining, oil, utilities, and communications. I do not intend to make this list exclusive. Nor do I think that local inconsequential strikes even within these industries should be included. The objective should be to cover by legislation only such stoppages of work as the Secretary of Labor would certify to the President as vitally affecting the national public interest.

In industrial disputes in such industries, where collective bargaining has broken down, and where the Conciliation Service of the Federal Government has been unable to bring the parties to agreement, and where the Secretary of Labor has been unable to induce the parties voluntarily to submit the controversy to arbitration, I recommend the following procedure:

Upon certification by the Secretary of Labor to the effect that a dispute continues despite his efforts, and that a stoppage of work in the affected industry would vitally affect the public interest, the President, or his duly authorized agent, should be empowered to appoint, within 5 days thereafter, a fact-finding board similar to the emergency board provided for under the Railway Labor Act.

I recommend that during these 5 days after the Secretary of Labor has made the above certificate it be unlawful to call a strike or lock-out, or to make any change in rates of pay, hours, or working conditions, or in the established practices in effect prior to the time the dispute arose.

The Board should be composed of three or more outstanding citizens and should be directed to make a thorough investigation of all the facts which it deems relevant in the controversy. In its investigation it should have full power to subpoena individuals and records and should be authorized to call upon any Government agency for information or assistance. It should make its report within 20 days, unless the date is extended by agreement of the parties with the approval of the President. The report should include a finding of the facts and such recommendations as the Board deems appropriate.

While the Fact Finding Board is deliberating and for 5 days thereafter, it should be made unlawful to call a strike or lock-out, or to make any change in rates of pay, hours, working conditions, or established practices, except by agreement.

The parties would not be legally bound to accept the findings or follow the recommendations of the Fact Finding Board, but the general public would know all the facts. The result, I am sure, would be that in most cases both sides would accept the recommendations, as they have in most of the railway labor disputes.

I believe that the procedure should be used sparingly and only when the national public interest requires it.

The legislation should pay particular attention to the needs of seasonal industries so that the so-called cooling-off periods can be arranged in those industries in a manner which will not subject labor to an undue disadvantage.

There are other subjects which were on the agenda of the Labor-Management Conference on which no agreement was reached. The most immediate, the most pressing, however, is this one of machinery. I hope that the Congress will act upon this matter as quickly as possible—and certainly before its Christmas recess.

In order to avoid any delay in the settlement of the most important existing strikes, I am appointing such a fact-finding board for the present stoppage in the dispute between General Motors Corp. and the United Automobile Workers. While this board will not have the statutory powers which I hope the Congress will soon authorize, I am sure that the American people will expect the employer and the employees to cooperate with the board as fully as if appropriate legislation had already been passed.

In the meantime, I am asking both parties to the dispute to display the same kind of patriotism as they displayed during the war. I am asking all the workers to return to work immediately, and I am asking the employers to proceed energetically with full production. I make this appeal on behalf of the American people to their fellow citizens who are now responsible for this major obstacle holding up our reconversion program.

In connection with the threatened strike involving the United States Steel Corp. and the United Steel Workers, I am appointing a similar board. The public will expect full cooperation with the board by both sides. I am making

the same appeal to the United Steel Workers to remain at work pending the report of the Board's findings and recommendations.

I hope that the Congress will approve the steps which I am now taking. They are being taken in the interest of accelerating our production, promoting our reconversion program, and pushing forward to a higher standard of living.

This is an immediate program which is fair to both sides. I hope that the Congress, naturally disappointed at the failure of labor and management to agree upon a solution for the prevention of industrial disputes, will not adopt repressive or coercive measures against either side. A free American labor and a free American private enterprise are essential to our free democratic system. Legislation which would stifle full freedom of collective bargaining on either side would be a backward step which the American people would not tolerate.

I am sure that the Congress will give its calm and careful consideration to this matter so essential to the progress of American life.

HARRY S. TRUMAN.

THE WHITE HOUSE, December 3, 1945.

#### THE MIDWESTERN TRUCK STRIKE

The PRESIDENT pro tempore. The Senator from Missouri has the floor.

Mr. BALL. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. BALL. Mr. President, I merely wish to comment for myself, personally, that I think the President's message calling on the Congress to enact legislation dealing with the field of labor disputes and the prevention of stoppages of production is the most hopeful word I have heard on this particular front for a long time, and I hope we can proceed expeditiously to consider legislation to carry out the President's recommendations.

A group of Senators from seven Midwestern States had a beautiful example this morning of the need for such legislation. Since November 15 there has been an over-the-road truck strike in the States of North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri. We have appealed to the Department of Labor and to the President to try to get the strikers back to work and to arrange some kind of settlement, but our attempt has been unsuccessful. The Secretary of Labor tried to get the employers and the teamsters' union first to agree to the appointment of a fact-finding commission; and when the union would not agree to that, he tried to get them to meet together in Chicago. The union would not even attend a meeting.

Finally this group of 14 Senators, particularly those from the affected States, on Friday afternoon sent identical telegrams to the head of the truck operators and also to Dan Tobin, president of the International Teamsters Union, inviting them to a hearing this morning in a committee room in the Senate Office Building, so that the public at least would know what the strike is about. Unfortunately, the teamsters' union did not even consider it worth while to have a representative appear at the meeting. A representative of the operators was

there. His testimony was that the strike was called on November 15 without even any pretense of collective bargaining on the part of the union.

The union has negotiated a contract for over-the-road drivers with what is called the Central States Trucking Association, covering 13 States, dominated by the States east of the Mississippi, where conditions are vastly different from those in the Western States. The trucks in the East average 25 miles an hour, whereas the trucks in our section of the country average 35 miles an hour in over-the-road operation. In the Western States the legal loads permitted by the States are much less. These seven States have been fighting since 1938 to obtain in their contracts some differentiation based on their differences in operating costs. Over-the-road truckers are paid on a mileage basis, and naturally in our States they cover much more mileage than is the case in the Eastern States.

Nevertheless, the union negotiated this contract with the Central States Trucking Association, without having the operators from the Midwest even sit in the conference. Then they turned that contract over to them, and said, "You sign it, or else." The operators repeatedly tried to obtain a meeting with the union but they were turned down every time.

Five thousand truck drivers are on strike, and in turn their strike has tied up shipments and has thrown approximately 60,000 persons out of work. So far the union has refused even to meet with the employers. In the case to which I have just referred, the union has refused to accept the invitation of 14 Senators from the seven States to sit down with us and tell us what are the issues in the case.

So I think one of the recommendations of the Management-Labor Conference, namely, pledging their adherence to the principle of collective bargaining, also needs implementation by legislation. Today there is an obligation in law for the employer to bargain collectively, but no such obligation in law rests on the representatives of employees, and all too often today, as in the case I have just been discussing, the union makes no pretense even to bargain collectively.

Mr. REED and Mr. McCARRAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield, and if so, to whom?

Mr. DONNELL. I had promised to yield to the Senator from Nevada, but if the Senator from Kansas wishes to speak briefly on the matter just referred to, I yield to him at this time, if that meets with the approval of the Senator from Nevada.

Mr. McCARRAN. Very well.

Mr. REED. Mr. President, I wish to emphasize what the Senator from Minnesota has said. This morning the Senators from the seven States which the Senator from Minnesota has named met and discussed the entire strike tie-up which the Senator from Minnesota has described. It is most important in the Prairie States, because in many cases branch-line railroad lines have been discontinued and the rails removed, and in



States where that has occurred there are hundreds of communities which depend entirely upon truck transportation for their daily business.

It is a coincidence that at the conference which was held this morning we decided to request the President of the United States to appoint a fact-finding body, because a strike which spreads over seven States and paralyzes business in hundreds of communities is certainly of sufficient public interest and importance to warrant the taking of such action. We were fully aware that under the present law the President has no authority to appoint fact-finding bodies except in the case of disputes occurring under the Railway Labor Act. So it is a timely thing that the President has sent to the Congress the message which was read a moment ago, and I certainly hope the Congress will move promptly to enact legislation along the line of that mentioned by the President.

I thank the Senator from Missouri for yielding to me.

Mr. GURNEY. Mr. President, will the Senator from Missouri yield?

Mr. McCARRAN. Mr. President—The PRESIDENT pro tempore. Does the Senator from Missouri yield, and, if so, to whom?

Mr. DONNELL. If the Senator from Nevada will consent to my doing so, I yield briefly to the Senator from South Dakota.

Mr. GURNEY. Mr. President, I should like to say just a word in connection with the matter now under discussion. It was shown conclusively that the situation to which reference has been made is a critical one in the Midwestern States. It has gone so far that freight previously handled by trucks is now being diverted to the railroads in such quantities that they cannot handle it. That makes the situation critical even for towns which have railroad connections. Of course, there are many towns without railroad connections. The railroads have had to place embargoes on freight. Many communities are not receiving any in-shippments or making any out-shippments of any kind, and there is a complete tie-up of transportation.

Therefore, I urgently request that this trucking strike be handled by the President, just as he has stated he would handle the strike in the case of General Motors and in the case of other industries, as reported in his message which we have received this morning. I urgently request that the President and the Secretary of Labor take notice of the truck strike and appoint a fact-finding board for the Midwest truck-operating territory.

Mr. WHERRY. Mr. President, will the Senator from Missouri yield to me?

Mr. DONNELL. I yield.

Mr. WHERRY. Mr. President, I wish to join with the other Senators who have made statements relative to the truck strike situation in the Midwestern States. My State of Nebraska is, of course, one of the States involved. I did not know that the President's message which was read just a few moments ago was coming to the Senate today, and I imagine other Senators were not aware of it. I feel that the suggestion of the

appointment of a fact-finding committee is a very hopeful sign.

I should like to bring an additional thought to the attention of all Senators from the Middle West, namely, that in some of the States, for example, Nebraska, during the war the rails and ties on many branch-line railroads have been taken up, and many communities have come to depend completely upon truck transportation.

It has now been nearly 10 days since at least one of the parties to the truck strike has refused to enter into a contract under the collective bargaining theory or even to negotiate one. This morning there was held the meeting to which reference has been made. The unions did not even send a representative there to discuss whether they would negotiate. So I think the President's suggestion is a wholesome one and is in line with the suggestion made at the meeting of the midwestern Senators.

In this connection, I feel it should be stated that today more than 200 towns are not being served by rail transportation but are entirely dependent upon truck transportation for the hauling of the food they need. Regardless of whether a fact-finding committee is appointed, it seems to me the Government should step in and see that the freight is hauled, irrespective of whether the parties to the truck strike get together, because it is becoming impossible for communities which depend primarily upon truck transportation to obtain food and other necessities of life.

I hope remedial legislation will be enacted; but in the meantime something must be done to get food to the communities in the Midwestern States which depend primarily upon trucks for the transportation of their food.

Mr. LANGER. Mr. President, as one of the Senators who participated in the meeting which was held this morning, I wish to say, in view of the fact that 14 Senators had invited representatives of the unions to appear at the meeting and present their case, that I thought it was very ill-advised on their part, to say the least, for them not to appear.

Mr. HICKENLOOPER subsequently said: Mr. President, I wish to say that I concur heartily in what other midwestern Senators have said today respecting the tension resulting from the truck strike in the Middle West. The midwestern Senators and Members of the House from that area have been vitally interested in this matter for a good many weeks, have held meetings, and have attempted to bring about a solution of the arbitrary and unwarranted situation that exists. I am very much encouraged by the message which the President sent to Congress today. I hope it will bear some fruit in bringing order out of the inexcusable chaos which apparently exists in certain sections of the country in the industrial field.

Mr. DONNELL subsequently said: Mr. President, before entering upon a discussion of my amendment which is now pending, and action upon which is the pending order of business, I desire to state very briefly my entire concurrence with the remarks made by the Senator from Minnesota [Mr. BALL] and by other

Senators today with respect to the message from the President of the United States, and also with respect to the situation in which the Midwestern States find themselves due to the existing strike on the part of workers for common carriers.

I take it that the President has very properly recognized the fact that there exists not merely the interest of the parties themselves but also the predominant interest of the public. Particularly, Mr. President, is this true in the matter of common carriers. It is true of common carriers of trade and merchandise. It is true of common carriers of individuals. The public, in my opinion, has the right to require that the work of common carriers shall not be interfered with by those who will refuse to negotiate the questions at issue.

So, Mr. President, without taking more time, I desire to emphasize what has been said as to the importance and urgency of the situation existing in the Midwestern States and to express the very earnest hope that negotiations may be very readily entered upon with respect to a solution of the pending problem.

#### CREATION OF ALL-AMERICAN FLAG LINE IN INTERNATIONAL AIR TRANSPORTATION

Mr. McCARRAN. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. McCARRAN. Mr. President, on three previous occasions I have brought to the attention of the Senate proposed legislation having as its purpose the creation of the All-American Flag Line as a community company to represent the United States in the field of international air transportation.

The first occasion was on March 20, 1944, during the Seventy-eighth Congress, when I introduced a bill which was given the number S. 1790. Title 5 of that bill contained the provisions respecting the All-American Flag Line. The remainder of the bill was concerned with reorganization of the Civil Aeronautics Authority and reconstitution of a separate Air Safety Board.

On May 25, 1944, in order to present the All-American Flag Line bill as a separate issue, I reintroduced title 5 of S. 1790 as a separate bill, which was given the number S. 1950. At the same time I reintroduced the remainder of Senate bill 1790 under the number S. 1949.

Shortly after the beginning of the present session of the Congress, or on January 15, 1945, I again introduced the All-American Flag Line bill, and it was given the number S. 326. I also reintroduced my bill for reorganization of the Civil Aeronautics Authority, and it received the number S. 1 in the present Congress.

Senate bill 326, the All-American Flag Line bill, was the subject of lengthy hearings before the Senate Committee on Commerce. Subsequent to those hearings, the bill came to a vote in committee. On the occasion of that vote, the committee divided evenly, 10 to 10, for and against reporting the bill favorably to the Senate. Accordingly, Senate bill 326 is still pending before the Senate Committee on Commerce.

When I shall have concluded my remarks today I shall send to the desk for appropriate reference a new bill to create an All-American Flag Line to represent the United States in the field of international air transportation.

I say a new bill, because the amendment to Senate bill 326, in the nature of a substitute, which I now propose to submit, has been completely redrafted. I think this proposed substitute is in many ways better legislation than the present language of Senate bill 326.

I do not wish to convey the impression that this proposed substitute retreats in any way from the principle embodied in S. 326, and in my earlier bills to establish the All-American Flag Line. That is not true. This proposed substitute for S. 326 will create a federally chartered private corporation, to be known as the All-American Flag Line. It will effect a pooling of all the resources of the air transport industry of this country, to forge a new agency able to make the commerce of the United States first in the air all over the world.

Like the present language of S. 326, this proposed substitute will put back of the All-American Flag Line not only the full strength of the unity of all factions of the air-transport industry of the United States which are concerned with foreign air transportation, but also all available facilities of the Government of the United States, to enable it to carry out the purpose for which it is being created. While the policy of the proposed substitute is the same as the policy embodied in the present language of S. 326, the approach is considerably different. Also, the mechanics of the proposed substitute are different, and are set forth much more fully than in the text of S. 326, as originally introduced.

I do not propose at this time to argue the question of what should be the policy of the United States with regard to international air transportation. My views on that question have been fully recorded, and everything I have said in that connection with respect to S. 326 and my earlier bills on the same subject, is equally applicable to the bill I am now about to introduce. I believe the Members of the Senate know my deep conviction that the policy embodied in this bill is the only policy which will preserve to this country its present leadership in world aviation.

I know that certain Senators who have shared my views in that respect have nevertheless been dubious about supporting the bill S. 326 in the form in which I first introduced it, because they were not satisfied with its detailed provisions. I sincerely hope that all my colleagues will take the time to read and study the proposed substitute which I shall introduce today.

I do not intend to analyze this substitute bill in detail at this time. I think the proper time and place for such an analysis will be at the opening of hearings on the proposed substitute. However, I do desire to outline the provisions of this new measure in a general way, so that Senators may understand what I have attempted to do.

In redrafting this bill I had before me the hearings on S. 326, and the many

statements, both official and unofficial, and both public and private, concerning that legislation, which had been made to me or to the committee, or which had come to my attention in the public press.

I had three major objectives in connection with the redraft of S. 326. One of these objectives was to make adequate provision for bringing railroads and steamship lines into the picture. The second objective was to devise and to write into specific language, a method for setting up the All-American Flag Line which would be fair to all concerned, which would be certain in the attainment of its purpose, yet which would allow sufficient flexibility to be entirely workable. The third objective was to take account of all existing statutes bearing upon the subject of international air transportation, or which otherwise might be affected by the provisions of this bill, and to provide for necessary amendments, so as to do a complete and workmanlike job, with no loose ends.

I believe all three of those major objectives have been accomplished in this proposed substitute. I do not pretend to claim that this new draft is perfect, but I am convinced it is a much better vehicle for the policy of creating an All-American Flag Line than was the original draft of S. 326.

Briefly, this proposed substitute directs the Civil Aeronautics Board to initiate preliminary studies and investigations, and to enter into subsequent negotiations, looking toward the creation of an All-American Flag Line; and, upon completion of such studies, investigations, and negotiations, to approve or prescribe a plan for the formation of the All-American Flag Line; and finally, to formulate and prepare a charter for the All-American Flag Line.

The new draft authorizes and invites United States air carriers, holding certificates for international air transportation, to submit to the Civil Aeronautics Board their own plans for creation of a community company. It provides for full public hearings on such plans, and it authorizes the Civil Aeronautics Board to exercise a free hand in approving or disapproving the plans so submitted, in combining or altering such plans, or in finally formulating its own plan.

The new bill requires that the plan which is finally approved shall provide for acquisition by the All-American Flag Line of all the assets of all international air carriers on the date the plan goes into effect, and all real estate and ground equipment, owned by domestic air carriers, which is located outside the continental United States and used in international air transportation on the date the plan becomes effective, together with any stock, notes, or other securities or evidence of indebtedness of any person engaged in any phase of aeronautics in a foreign country, which are owned by any United States air carrier or any person controlling such an air carrier.

This new bill provides that the All-American Flag Line shall have three special series of common stock, to be known as carrier shares, each series of carrier shares to constitute 20 percent of the proposed initial common-stock capitalization of the Flag Line. These

three series of carrier shares are to be made available by subscription, respectively, to: First, all domestic air carriers; second, all class I carriers by railroad subject to the Interstate Commerce Act, exclusive of terminal and switching companies, and carriers not citizens of the United States; and third, to common carriers by water in foreign commerce, or in commerce between the continental United States and a Territory or possession of the United States.

The new bill, which, as I have said, I propose to offer as a substitute for S. 326, provides that securities or stocks of the All-American Flag Line shall be issued only with the approval of the Civil Aeronautics Board; and that such stock or securities shall not be acquired or held by any common carrier by air, rail, or water, or by any person controlling or controlled by any such carrier, without the approval of the Civil Aeronautics Board. It is specifically provided that no such stock or securities shall be owned or held by any citizen or subject of any foreign government. The maximum amount of common stock of the All-American Flag Line which any one person, partnership, association, or corporation is authorized to buy, or own or control, directly or indirectly, is limited to 2 percent of the total amount of such common stock issued and outstanding.

I shall not go into detail at this time concerning further technical provisions of this measure. It contains provisions substantially similar in form to those found in the original draft of S. 326, placing the full weight of the Government of the United States behind the All-American Flag Line. It contains provisions requiring the All-American Flag Line to make any reasonable extension of its service required by the public convenience and necessity, or for the maintenance of cooperative relationships between the United States and any foreign country, or for the performance of any treaty obligation of the United States, or otherwise to further national policy. It contains provisions for fixing reasonable rates, fares and charges for foreign air transportation. It contains provisions requiring the All-American Flag Line to enter into traffic arrangements with domestic carriers, both for the purpose of assuring the domestic carriers fair and equitable treatment with respect to the routing of through traffic, and for the purpose of enabling the All-American Flag Line to compete effectively with foreign companies through utilizing the selling offices and organizations of the domestic carriers.

The proposed amendment contains a provision that in time of war, the United States Government may take over the possession, or may direct the operation, of the properties of the All-American Flag Line, during the war emergency, under fair terms and conditions.

One other provision of the proposed amendment will be of great interest to many Senators. This provision requires that the plan finally approved by the Civil Aeronautics Board, for creation of the All-American Flag Line, shall assure the continued employment of all citizens



of the United States employed in international air transportation by United States air carriers, and the reemployment of any citizens formerly so employed, who left their jobs to enter the armed services of the United States. The measure also provides that for a period of 5 years after the end of the war, any United States citizen who was engaged during the war in the operation of transport aircraft of the military or naval forces, either as a member of those forces or as an employee of a contractor, shall have a preferential employment status with the All-American Flag Line for any position for which he is qualified. This provision applies to both flight personnel and ground personnel.

Mr. President, in my remarks I have not given a detailed analysis of this proposed amendment. I have only hit the high spots. Let me say again that I hope every Senator will take the time to read this bill and to study it. This is one of the most important subjects before the Congress today. It deserves the careful attention of all of us.

I have stated I did not propose at this time to argue the question of what should be the policy of the United States with regard to international air transportation. I do not believe it is unduly argumentative to say that developments in recent months have clearly indicated the truth of the prediction and the warning which I have reiterated time and again in this chamber and in committee. I refer to the prediction and the warning that if this Nation relies upon a number of competing air carriers to carry the American flag in international air commerce, foreign nations will play those carriers one against the other to the ultimate detriment not only of our American flag carriers but of the national interest of the United States. If we persist in such a policy, we shall find ourselves in a very short time either squarely behind the "eight-ball" of international power politics, or unwilling participants in a "shotgun wedding" with foreign cartels.

For the information of the Senate, I ask unanimous consent that this amendment may be printed in full at this point in the RECORD, as a part of my remarks; and I now send the amendment to the desk for appropriate reference.

There being no objection, the amendment in the nature of a substitute, submitted by Mr. McCARRAN to the bill (S. 326) to create the All-American Flag Line, Inc., and to assure the United States world leadership in the field of air transportation, was received, referred to the Committee on Commerce, ordered to be printed, and to be printed in the RECORD, as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. McCARRAN to the bill (S. 326) to create the All-American Flag Line, Inc., and to assure the United States world leadership in the field of air transportation, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Congress hereby declares that the national interest of the United States requires preservation of its present leadership in the field of air commerce and air transportation, as essential alike to the maintenance of its position in the family of

nations, to its national security, and to its avowed mission of peace, friendship, and commerce with all governments and with all peoples; and that this objective can best be achieved by and through complete coordination and integration of the international air transportation of the United States, under private ownership and management but with careful regulation and close supervision by the appropriate Government agency. The Congress further declares that the interests of the commerce of the United States, the national defense, and the postal service require that, for the purpose of avoiding destructive rivalries between American companies abroad and of presenting a united American front against the competition of foreign countries, the international air transportation of the United States should be consolidated into a single community company to be formed under a plan approved or prescribed by the Civil Aeronautics Board and which shall operate as a public utility in the national interest under regulation by the Board.

#### "DEFINITIONS

Sec. 2. As used in this title, unless the context otherwise requires—

"(1) The term 'consolidation or merger' includes the legal consolidation or merger of two or more corporations and the acquisition by a corporation through purchase, lease or in any other manner, of the whole or any part of the property, securities, facilities, services or business of any other corporation or corporations, or of the control thereof, in exchange for its own securities or otherwise.

"(2) The term 'domestic air carrier' means any United States air carrier, the major portion of whose traffic and revenues from common carrier business is derived from domestic air transportation.

"(3) The term 'international air carrier' means any United States air carrier, the major portion of whose traffic and revenues from common carrier business is derived from international air transportation.

"(4) The term 'consolidated carrier' means an international air carrier which acquires or operates properties and facilities unified and integrated by consolidation or merger pursuant to this act.

"(5) The term 'domestic air transportation' means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce, between points within the continental United States, between a point in the continental United States and a point in Canada or in Mexico, between points within the same Territory or possessions of the United States, or between a point in Puerto Rico and a point in the Virgin Islands.

"(6) The term 'international air transportation' means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce, between any point in the continental United States and any point outside the continental United States (except a point in Canada or in Mexico), or between any point in any Territory or possession of the United States and any point outside such Territory or possession (except between a point in Puerto Rico and a point in the Virgin Islands).

"(7) The term 'continental United States' means the several States and the District of Columbia.

"(8) The term 'Board' means the Civil Aeronautics Board.

#### "BOARD TO PREPARE AND FILE COMMUNITY COMPANY CHARTER

"Sec. 3. The Civil Aeronautics Board (hereinafter called the Board) is authorized and directed to initiate and carry forward, as expeditiously as possible, preliminary studies and investigations and subsequent negotiations looking toward formation of a commu-

nity company in accordance with the provisions of section 4; to approve or prescribe a plan for the formation of such community company; to formulate and prepare a charter for such community company, to be known as and styled the All-American Flag Line; and to file such charter with the Secretary of State.

#### "PLANS FOR CONSOLIDATION OR MERGER

"SEC. 4. (a) In the performance of its duties under section 3 the Board may arrange such conferences and hold such hearings as it deems necessary. Within 3 months from the date of enactment of this section or such longer period, not exceeding 6 months from the date of enactment of this act, as the Board may determine, one or more international air carriers may file with the Board a proposed plan for the formation of a community company by consolidation or merger, or otherwise. Upon the filing of any such plan the Board shall transmit to the President a copy thereof, and shall order a public hearing to be held with respect thereto, and shall give reasonable notice of such hearing in writing and an opportunity to be heard to any person whose properties are affected by the said plan and to such other persons as the Board may deem advisable. At the discretion of the Board joint hearings may be had on all such plans so filed and upon any such plan tentatively proposed by the Board, a copy of which shall have been transmitted to the President, and notice of which shall have been given as aforesaid. If no such plan is filed by an international air carrier within the period above specified, the Board shall as soon as practicable thereafter issue a proposed plan for formation of a community company by consolidation or merger or otherwise, and shall transmit a copy thereof to the President, and shall order a public hearing to be held with respect thereto, and shall give reasonable notice of such hearing and an opportunity to be heard as aforesaid.

"(b) Any proposed plan filed by one or more international air carriers or proposed or issued by the Board under subsection (a) of this section for the formation of a community company by consolidation or merger shall include the following provisions and may include such other provisions as shall be appropriate:

"(1) A statement of the properties to be acquired by the consolidated carrier which is to constitute the community company. Among the properties to be so acquired there shall be included:

"(i) All of the assets, or all of the outstanding stock, of all international air carriers existing on the effective date of the plan;

"(ii) All real property and ground equipment owned by domestic air carriers which is located outside the continental United States and is used by such air carriers in international air transportation on the effective date of the plan; and

"(iii) Any stock, notes, or other securities or evidences of indebtedness of any person engaged in any phase of aeronautics in a foreign country, which are owned by any United States air carrier or person controlling or controlled by such an air carrier on the effective date of the plan, except that the plan need not provide for the acquisition by the consolidated carrier of any such stock, notes, or other securities or evidences of indebtedness acquired by an air carrier or person controlling or controlled by an air carrier after October 25, 1945.

"(2) A statement of the terms and conditions of such acquisition.

"(3) A statement as to the proposed initial capitalization of the community company.

"(4) The form of charter of the community company and the form of bylaws of the community company.

"(5) Provisions for the offer for subscription, in such proportions within each class

as may be fair and equitable, respectively (a) to all domestic air carriers, (b) to all class I carriers by railroad subject to the Interstate Commerce Act (other than terminal and switching companies and carriers which are not citizens of the United States as defined in this act), and (c) to all citizens of the United States who are common carriers by water in foreign commerce or in commerce between the continental United States and a Territory or possession of the United States, as defined in the Shipping Act, 1916, of three special series of common stock (hereinafter referred to as "carrier shares") of the community company. Each of said series of carrier shares to be so offered shall constitute 20 percent of the proposed initial common-stock capitalization of the community company. The plan shall contain appropriate restrictions as to the transferability of carrier shares and provision for representation of the holders of each of the special series of carrier shares upon the board of directors of the community company: *Provided*, That the total number of directors provided to represent each of said special series of carrier shares shall approximate the proportionate amount of common stock of the community company represented by such series.

"(6) Fair and equitable provisions to assure the continued employment of all citizens of the United States who are employed by international air carriers, or who are employed by domestic air carriers engaged in international air transportation and whose duties have related primarily to such transportation, and the reemployment of employees of the same categories who since August 27, 1940, have left their positions for the purpose of entering the military or naval forces of the United States, which provisions shall confer benefits at least as extensive as those provided in respect of the consolidation or merger of telegraph carriers by subsection (f) of section 222 of the Communications Act of 1934, as amended by the act of March 6, 1943, and which shall apply to all flight personnel of the character above described without regard to the restriction imposed by subdivision (11) of said subsection (f).

"(7) An agreement that for a period of 2 years after the effective date of this act, any citizen of the United States who has been engaged at any time since December 7, 1941, in the operation of transport aircraft of the military or naval forces of the United States outside the continental United States, whether as a member of said military or naval forces or as an employee of a contractor for said military or naval forces, and whether as a flight employee or as a ground employee, shall have a preferential hiring and employment status over any other person for any position for which he is qualified by training and experience, subject only to the obligations of the community company, as set forth in subparagraph (6).

"(8) An agreement that the community company will assume and perform the terms and conditions of any and all collective bargaining agreements in respect to rates of pay, wages, hours, and working conditions which shall be in effect as an obligation of any international air carrier at the time the Board, pursuant to section 3 and subsection (c) of section 4, approves or prescribes a plan for the formation of the community company.

"(9) An agreement that if any individual or organization shall have been certified by the National Mediation Board, prior to the time the Board approves or prescribes a plan for the formation of the community company, as the representative of any craft or class of employees of an international carrier, and if such certification shall still be in effect at such time, the community company will recognize and treat with such individual or organization as the representative of such employees until such time as

another representative for such employees is certified by the National Mediation Board.

"(10) An agreement that the community company will make any reasonable extension of its services which the Board, on the recommendation of the policy committee referred to in section 9 and with the approval of the President, shall find to be required by the public convenience and necessity or for the maintenance of cooperative relationships between the United States and any foreign country or for the performance of any treaty obligation of the United States or otherwise to further national policy, and as to which the Board shall find that the expense involved will not impair the ability of the community company to perform its duty to the public under its existing certificate or certificates: *Provided*, That the community company shall be entitled to reasonable compensation for the services it is so required to perform.

"(11) An agreement that the rates, fares, and charges of the community company for foreign air transportation shall not be higher than reasonable maximum rates, fares, or charges, nor lower than reasonable minimum rates, fares, or charges, which may be determined by the Board.

"(12) An agreement that the community company will enter into traffic arrangements with domestic carriers, in such form or forms as may be approved or prescribed by the Board, in order to assure to domestic carriers fair and equitable treatment with respect to the routing of through traffic between points outside the continental United States served by the community company and points within the continental United States served by more than one domestic carrier, and, also to enable the community company to compete effectively with foreign companies which have a preferential position with domestic connections in their respective countries, by utilizing the selling offices and organizations of the domestic carriers or otherwise.

"(13) An agreement that the community company will enter into agency agreements with citizens of the United States who are common carriers by water, in such form or forms as may be approved or prescribed by the Board for the solicitation by such water carriers through their selling offices and organizations abroad of air traffic for the community company.

"(14) An agreement that, in time of war, the United States, acting by such agency or agencies as the President may determine, may take over the possession or may direct the operation of the properties of the community company during such emergency, under such terms and conditions as will afford just compensation to the community company.

"(c) After the hearing provided for in subsection (a), the Board shall issue a report and order in which it shall prescribe or approve a plan (which may be different from any plan proposed) for the formation of a community company, upon finding that such plan will in its opinion meet the requirements of subsection (b) of this section, is fair and equitable, and will be compatible with the public interest. Such order shall become effective 60 days after the date of its issuance except that the Board may, upon petition for good cause shown, filed within 60 days of such date, stay the effectiveness of such order and may thereafter (upon further hearings if the Board shall deem necessary) modify such order by issuing a supplemental report and order. In the event of such modification such order, as modified, shall become effective on the date of such modification.

#### "EFFECT OF PRESCRIPTION OR APPROVAL OF PLAN

"Sec. 5. (a) Upon the prescription or approval of a plan by the Board, any law or laws which would otherwise make unlawful any transaction provided for in such plan carrier participating in or resulting from any shall not apply with respect thereto, and any

transaction provided for in such plan shall have full power to carry such transaction into effect without securing approval otherwise than as specified in this section.

"(b) The plan prescribed or approved by the Board shall be carried out by the parties thereto within such reasonable period as the Board may determine.

"(c) If the plan prescribed or approved by the Board is not carried out within the period fixed by the Board, as provided in subsection (b) of this section, the Board may apply to a court, as provided in section 1007 (b) of the Civil Aeronautics Act of 1938, to enforce compliance with such plan. In any such proceeding the court, as a court of equity, may to such extent as it deems necessary for purposes of enforcing compliance with such plan take exclusive jurisdiction and possession of the company or companies or the assets thereof which are subject to such plan, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee, and the court may constitute and appoint the Board as sole trustee to hold or administer under the direction of the court the assets so possessed. In any such proceeding the trustee shall dispose of such assets in accordance with the plan approved by the Board.

"(d) The provisions of section 5 of title I of the Securities Act of 1933, as amended, shall not apply to the issuance, sale, or exchange of any securities provided to be initially issued in the plan prescribed or approved by the Board, which securities and transactions shall for the purposes of such Securities Act be treated as if they were specifically mentioned in sections 3 and 4 of such Securities Act.

"(e) The provisions of sections 1801 and 1802 of the Internal Revenue Code shall not apply to the issuance, transfer, or exchange of securities of the community company or the making or delivery of conveyances in connection with the acquisitions by the community company of the property, stock, or assets provided for in the plan prescribed or approved by the Board.

#### "AMENDMENTS TO EXISTING LAW

"Sec. 6. (a) Section 112 (b) of the Internal Revenue Code (relating to recognition of gain or loss upon certain exchanges) is amended by inserting at the end thereof the following:

"(11) Gain or loss not recognized on consolidation or merger of international air carriers: No gain or loss shall be recognized if property of a corporation is transferred in pursuance of a plan of consolidation or merger prescribed or approved by the Civil Aeronautics Board under the All-American Flag Line Act of 1945, to another corporation organized or made use of to effectuate such a plan of consolidation or merger, in exchange solely for stock or securities in such other corporation."

"(b) Section 112 of the Internal Revenue Code (relating to recognition of gain or loss) is amended by inserting at the end thereof the following:

"(m) Exchanges by security holders in connection with consolidation or merger of international air carriers: No gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation, pursuant to a plan of consolidation or merger prescribed or approved by the Civil Aeronautics Board under the All-American Flag Line Act of 1945, in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such a plan of consolidation or merger."

"(c) Section 113 (a) of the Internal Revenue Code (relating to basis of property) is amended by inserting after paragraph (22) the following:

"(23) Property acquired pursuant to plan of consolidation or merger of air carriers:



If the property was acquired by a corporation organized or made use of to effectuate a plan of consolidation or merger prescribed or approved by the Civil Aeronautics Board under the All-American Flag Line Act of 1945, the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired.'

**"ALL-AMERICAN FLAG LINE—DATE FOR FILING CHARTER**

"SEC. 7. The charter for the community company to be known as and styled the All-American Flag Line shall be filed with the Secretary of State, as provided in section 3, not later than July 1, 1946: *Provided*, That if the Board shall certify that additional time is required for the performance of its duties under this act preliminary to the filing of such charter, the Congress by concurrent resolution or the President by Executive order may extend the time limit herein provided for filing such charter, but no single extension of such time limit shall be for more than 90 days.

**"ALL-AMERICAN FLAG LINE INCORPORATED**

"SEC. 8. (a) Effective upon the filing of the charter for a community company with the Secretary of State by the Board, pursuant to section 3 and in conformity with all other provisions of this act, such community company is hereby created a body corporate with the name 'The All-American Flag Line' (hereinafter called the line) which shall have succession until dissolved by act of Congress.

"(b) The charter for the line shall be in compliance with the provisions of this section and in conformity with the provisions of the plan prescribed or approved by the Board pursuant to section 4.

"(c) In connection with the formation of the line the Civil Aeronautics Board may act as trustee for the line to do and perform all things and acts necessary or convenient to proper effectuation of the purposes of this act.

"(d) The purpose of the line shall be to operate as an air carrier in international air transportation and to provide transportation by air throughout the world, under the United States flag, for persons, property, and mail, to the full extent that such transportation is required in the national interest of the United States or for the public convenience of its citizens.

"(e) The line shall have all corporate powers necessary or desirable to effectuate fully the purposes of this act.

"(f) The line shall have its principal office in the District of Columbia, but may establish branch offices or agencies in any city or cities of the United States or of any foreign country, under rules and regulations prescribed by its board of directors.

"(g) Securities or stock of the line shall be issued only with the approval of the Civil Aeronautics Board; and such stock or securities shall not be acquired or held by any common carrier by air, rail, or water or by any person controlling or controlled by any such carrier, without the approval of the Civil Aeronautics Board, or by any citizen or subject of any foreign government.

"(h) It shall be unlawful for any person, partnership, association or corporation to buy, acquire, hold, own or control, directly or indirectly, more than 2 percent of the common stock of the line issued and outstanding.

"(i) No person, partnership, association or corporation entitled to acquire carrier shares of the line pursuant to subdivision (5) of subsection (b) of section 4 shall acquire, directly or indirectly, any other voting stock of the line, except stock acquired by such person, partnership, association or corporation, as a result of the initial issue of stock of the line, for property acquired by it or stock distributed as a dividend on stock so

initially issued or acquired pursuant to rights appertaining to stock which shall have been so initially issued or shall have been distributed as a dividend thereon.

"(j) Obligations of the line other than stock may be purchased by the Secretary of the Treasury, subject to the approval of the Civil Aeronautics Board, with any funds in the Treasury not otherwise obligated: *Provided*, That the total amount of such obligations held by the Secretary of the Treasury at any time shall not exceed 25 percent of the total amount of such obligations then outstanding.

**"POLICY COMMITTEE**

"SEC. 9. Before transmitting any order relating to the line to the President pursuant to section 801 of the Civil Aeronautics Act of 1938, and before requiring any extension of the services of the line as provided in subdivision (8) of subsection (b) of section 4 of this act, the Board shall consult with a Policy Committee composed of the Secretary of State, the Secretary of War, the Secretary of the Navy, and Secretary of Commerce, and on which the Board shall be represented by its chairman. The Policy Committee shall also advise the Board generally in regard to the interests of the United States in international air transportation and the affairs of the line.

**"RELATIONSHIP OF DOMESTIC AND INTERNATIONAL AIR TRANSPORTATION**

"SEC. 10. (a) From and after the date of approval of this act and pending the formation of a community company as provided herein, no certificate of public convenience and necessity to engage in international air transportation shall be issued by the Board except to an international air carrier.

"(b) All certificates of public convenience and necessity to engage in international air transportation which shall be issued to the line (other than certificates acquired by it as a result of the consolidation or merger provided for in the plan prescribed or approved by the Board pursuant to section 4) shall terminate on a date 7 years from the date of incorporation of the line: *Provided*, That any such certificate may be extended on application duly made pursuant to section 401 of the Civil Aeronautics Act of 1938. During said 7-year period no certificate of public convenience and necessity to engage in international air transportation shall be issued except to the line.

"(c) The line shall not engage in domestic air transportation, except that it (1) may engage in air transportation between points within Alaska, between points in the Canal Zone, and between a point in Puerto Rico and a point in the Virgin Islands, to such extent and on such terms and conditions as the Board may from time to time determine; (2) may engage in air transportation between the continental United States and Canada, on through flights to or from more remote points, unless the Board shall from time to time otherwise determine; and (3) may engage in air transportation between the continental United States and Mexico. The line shall not hold or acquire, directly or indirectly, any interest in a domestic air carrier.

"(d) From and after the date of approval of this act, and for 7 years after the date of incorporation of the line, no domestic air carrier or person controlling or controlled by such an air carrier shall acquire, directly or indirectly, any interest in any person engaged in any phase of aeronautics in a foreign country, and, except as specified in section 4, no domestic air carrier shall effect a consolidation or merger with any international air carrier and no international air carrier shall effect a consolidation or merger with any domestic air carrier.

**"GOVERNMENTAL ASSISTANCE**

"SEC. 11. (a) In furtherance of its purposes pursuant to this act the line, with the approval of the Board, is authorized to call

upon any department or agency of the United States Government, other than the Department of State, for such cooperation or assistance, other than direct financial assistance, as such department or agency may render, consistent with existing law and public policy.

"(b) The Secretary of State may negotiate agreements with foreign governments in the name of the United States for the benefit of the line. In furtherance of negotiations approved by the policy committee, between the line and foreign governments or foreign nationals, the Secretary of State shall, at the request of the Board, make available any and all services and facilities of the State Department.

**"SECRETARY OF STATE; NEGOTIATIONS WITH FOREIGN GOVERNMENTS**

"SEC. 12. (a) The Secretary of State shall advise the Board of, and consult with the Board concerning, the negotiation of any agreements with foreign governments directly affecting or in connection with air navigation or air commerce.

"(b) No agreement with any foreign government restricting the right of the United States or its nationals to engage in air-transport operations, or generally granting to any foreign government or its nationals or to any air line representing any foreign government or operating under a foreign flag any right or rights to engage in foreign air commerce or foreign air transportation other than as a foreign air carrier in accordance with the provisions of the Civil Aeronautics Act of 1938, or respecting the formation of or the participation of the United States in any international organization for regulation or control of international aviation or any phases thereof, shall be made or entered into by or on behalf of the Government of the United States except by treaty.

**"FOREIGN MILITARY AIRCRAFT**

"SEC. 13. Aircraft, a part or adjunct of the armed forces of any foreign nation, shall not be operated in the United States including the Panama Canal Zone in interstate or overseas air commerce, nor otherwise except in accordance with an authorization granted by the Secretary of State.

**"EXTENSIONS OF SERVICE; BOARD MAY REQUIRE**

"SEC. 14. The Board, upon its own motion pursuant to a recommendation of the policy committee, or upon certification by the Secretary of State that such action is necessary in the public interest (1) for the maintenance of cooperative relationships between the United States and any foreign country, or (2) in furtherance of national policy, or (3) for the performance of any obligation of the United States imposed by treaty, may by order require the line to make any extensions of its existing service, or to establish and provide any new service, in international air transportation: *Provided*, That if the Board pursuant to this section requires the line so to extend its service or to provide new service, it shall issue its order making such requirement only under such conditions as will guarantee the line against unreasonable loss in the performance of the service it is so required to perform. Within the limits of available appropriations made by the Congress therefor, the Board is authorized and directed, when necessary for compliance with the provisions of this section, to make direct payments to the line which, together with all other revenue of the line, will enable it most effectively to promote the public interest. Such payments shall be subject to such terms, conditions, and limitations as the Board may prescribe, having regard for the provisions of this section.

**"ADMINISTRATION OF ACT; CONSIDERATIONS FOR BOARD**

"SEC. 15. In the exercise of its powers and duties under this act and under the Civil

Aeronautics Act of 1938, the Board shall give due consideration to the necessity for (1) meeting the competition of air carriers operating under foreign flags; (2) forging an international air transportation system which will serve the foreign policy of the United States in peace and in war; (3) meeting the demands of the commerce of the United States for international air transportation; (4) insuring uniformity of policy in all operations in air transportation under the American flag; (5) preservation and advancement of American economic, technical, and labor standards; (6) avoidance of duplication of subsidies, and minimization of all subsidies, so far as possible; (7) standardization of procedures on a world-wide basis, from the standpoint of national defense, in all operations in international air transportation under the American flag.

#### "VALIDITY"

"SEC. 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

#### "EFFECTIVE DATE; SHORT TITLE"

"SEC. 17. (a) This act shall become effective upon enactment.

"(b) This act may be cited as the All-American Flag Line Act of 1945."

Mr. McCARRAN. Mr. President, I wish to express my sincere gratitude to the Senator from Missouri for his patience and tolerance in permitting me to present this matter at this time.

Mr. DONNELL. Mr. President, I assure the Senator from Nevada it was a pleasure, and I am confident the Senator will give careful consideration to the measure he has proposed.

#### PROPOSED LOAN BY THE UNITED STATES TO GREAT BRITAIN

Mr. MOORE. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. MOORE. Mr. President, it appears that a loan of substantial size by the United States Government to the British Government is about to be concluded. Previously, I have made certain suggestions concerning the conditions of the proposed loan. Under date of November 30, I wrote the Assistant Secretary of State, the Honorable W. L. Clayton, who is in charge of the negotiations on behalf of this Government, a letter which is self-explanatory, and which I desire to have inserted in the RECORD. When I have received Mr. Clayton's reaction to the proposals made, I shall be glad to inform the Senate by reading his reply into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 30, 1945.

Hon. W. L. CLAYTON,  
Assistant Secretary of State  
for Economic Affairs,  
Washington, D. C.

DEAR MR. CLAYTON: It is my understanding that negotiations between the United States and the British Government for financial assistance by this country are to be concluded in the near future, which will result in a loan to the British of three and one-half or four billion dollars.

I have heretofore called your attention to certain discriminatory policies of the British Government concerning the importation of materials and equipment into the sterling area by American companies for their own

use although no dollar exchange is involved. I sincerely trust that the conditions under which the loan is to be made are such as to remove this impediment to the legitimate activities of American nationals in the British Empire.

My attention has recently been called to another situation of which you are undoubtedly aware, but I am nevertheless taking the liberty of discussing the matter with you and making certain suggestions with respect to the proposed loan. First, I desire to make it clear that I am not opposing any loan to the British Government which is necessary for the economic well-being of both countries and which is made on terms and conditions that are fair and reasonable. It would, however, be improper to further burden our country financially by making a greater loan to the British than their economic necessity demands or on conditions that would not represent fair and reasonable business terms. Such a loan would not be helpful to either the British or the United States.

In July 1941 the Reconstruction Finance Corporation authorized a loan to the British Government in the sum of \$425,000,000, of which \$390,000,000 has been disbursed. The present principal balance is in the sum of \$253,265,760, against which the RFC now holds in reserve from accumulated income \$10,340,702, making an actual net balance as of the present time of \$242,925,058. At the time the loan was negotiated there were deposited with the RFC as security for the loan listed common and preferred stocks of 83 representative American companies having a market value at that time of \$205,000,000; unlisted securities consisting of common and preferred stocks and first and second mortgage bonds of 68 companies, in which the British ownership is substantial or controlling, in the sum of \$115,000,000; the capital stock of British-owned United States insurance companies having an approximate net worth of \$180,000,000 as of December 31, 1940; and assignment of earnings of the United States branches of 41 British insurance companies. The total securities deposited with RFC at the time of the loan, therefore, had a net market value of \$500,000,000. The market value of the listed securities of the American companies as of the present time is in excess of \$350,000,000. A market analyst advised me that the unlisted securities have a reasonable market value of \$215,000,000. The net worth of the capital stock of the British-owned United States insurance companies held as security, is estimated as of this date to be approximately \$210,000,000, making a total appreciated value of the securities held by the RFC at this time of approximately \$775,000,000. It is, therefore, plain that if the RFC loan were liquidated at this time the British would have a dollar equity of over half a billion dollars.

Market conditions in this country at this time are such that it would not be unfair or unreasonable to request the British to liquidate their loan by the sale of the securities now held by RFC. Although the shares of stock represent a very substantial ownership in the respective American companies, I believe that in most cases the listed shares could be sold on the current market without depressing the market price of the stock of the companies affected. As to the unlisted stocks and the capital stock of the insurance companies affected, I am confident that these securities could and would be willingly absorbed by American investors. In any case, where a listed security was in such quantity that a liquidation of the stock on the market would result in adverse market reactions, I feel reasonably sure that such transactions could be readily placed with American banking houses. The American stock market is high. A better time probably could not be found to liquidate this loan than at present.

There are two fundamentally economic reasons why liquidation of the RFC loan

should be made part of the conditions of the United States-British loan now being negotiated.

First, the British loan is being made for the express purpose of affording the British Empire exchange in American dollars. It is grossly unfair to the American people to burden them with an additional financial obligation of three and one-half or four billion dollars for this purpose when the British Government has a dollar equity in this country of over half a billion dollars. It is entirely proper that if the British are now in need of three-and-one-half-billion-dollar exchange in this country, the amount should be reduced by the half-billion dollars which represent the equity of the British in the RFC loan. If it is good business for the United States to bank the British loan, good-business principle demands that the British first use their dollar assets in this country to mitigate the amount of the loan and thus relieve to whatever extent possible our already financially overburdened Treasury.

Second, the liquidation of the RFC loan at this time would operate to return the shares held by the British Government in American industrial concerns to American investors. It is unhealthy economically and contrary to our philosophy of free enterprise for any government to be interested directly in a financial way in American enterprise. Stocks owned by the British and pledged to RFC represent 83 of our largest industries, including oil, gas, automobile manufacturing, chemicals, steel, utilities, radio, textiles, shoes and clothing, electrical equipment, tobacco, sugar, telephone and telegraph, locomotive, newspapers, banking and financial corporations. As an example of the British Government ownership, I call attention to the following interests:

	Shares
General Motors Corp. (common)---	434,000
Radio Corp. of America (common)---	177,000
Amerasia Petroleum Corp. (common)-----	133,000
Chrysler Corp. (common)-----	36,000
Standard Oil Co. of New Jersey (capital)-----	198,000
Standard Oil Co. of Indiana (capital)-----	315,000
Socony-Vacuum Oil Co. (capital)---	130,000
American Telephone & Telegraph (capital)-----	70,000
United States Steel (cumulative preferred)-----	21,000

Few representative American industrial corporations are not represented in this list of British Government ownership.

The RFC loan was negotiated as a war loan at a time when the British were desperately in need of dollar exchange in this country. There is no possibility that the securities involved will be returned to their original individual owners. Liquidation of the loan at this time would have the very desirable effect of converting this large equity into badly needed dollar credit for the British, remove this substantial British Government interest in American private industry, and relieve the United States of a financial burden of more than a half billion dollars.

I urge upon you the efficacy of this action.

Yours very truly,

E. H. MOORE.

Mr. MOORE. Mr. President, I thank the Senator from Missouri for yielding to me.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill



(H. R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, and that the House receded from its disagreement to the amendments of the Senate numbered 32 and 39 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

#### APPOINTMENT OF AMERICAN REPRESENTATIVES IN UNITED NATIONS ORGANIZATION

The Senate resumed the consideration of the bill (S. 1580) to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. DONNELL], which will be stated.

The CHIEF CLERK. On page 5, beginning with line 8, it is proposed to strike out all down to and including line 11 and to insert in lieu thereof the following:

SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council and, by and with the advice and consent of the Senate, to enter into such agreement or agreements, provided two-thirds of the Senators present concur, providing for the numbers and.

Mr. DONNELL. Mr. President, on Friday last the Senate was engaged in the consideration of the pending amendment. I shall endeavor this afternoon to make my remarks in regard to that amendment as brief as reasonably possible. I was pleased to hear the Senator from Texas [Mr. CONNALLY] emphasize the importance of the pending legislation, for I take it that all of us who believe in the principles of the Charter of the United Nations are desirous of seeing that that great organization and its various organs shall be promptly implemented so that its work toward the preservation of international peace and security, and toward the great ideals of justice, and the other principles recited in the Charter, may be readily entered upon and carried, we hope, to successful fruition.

But, Mr. President, while I thoroughly concur with the expression made earlier today by the Senator from Texas, I also think that it is of highest importance that the Senate of the United States and the House of Representatives of the United States should be careful to see that in this implementing legislation there shall be closely, accurately, and precisely followed the obligations into which we entered in that great instrument, the Charter, and that we shall see to it that no substitution shall occur with respect to the contents of that instrument.

Mr. President, it has been suggested in more than one utterance that the amendment now pending may be in the nature of a restriction. I tried on Friday last to disabuse the minds of any who might be under that impression. To my mind, the amendment which I have offered

is not only not a restriction but it closely and immediately follows the mandatory requirement of article 43 of the Charter of the United Nations. Instead of restricting the President or Congress or the Senate or any group of nations, the amendment which I propose does nothing more than that which I have repeatedly indicated, namely, to carry into effect the mandatory requirements of article 43 of the Charter of the United Nations.

The amendment is very simple. For the provision of the pending bill which requires that the special agreement or agreements which may be negotiated under article 43 shall be referred back for approval to the Congress by appropriate act or joint resolution, the amendment simply substitutes the provision that the President is authorized to negotiate the special agreement or agreements and by and with the advice and consent of the Senate to enter into such agreement or agreements, provided two-thirds of the Senators present concur.

The basis of this amendment is not a desire to impose restrictions. It is not a desire to impose reservations of one kind or another. The purpose of the amendment is to carry out the exact language, as I see it, of article 43 of the Charter of the United Nations. And what is that language? The language, as I have mentioned more than once, is that the agreement or agreements "shall be concluded between the Security Council and members or between the Security Council and groups of members and shall be subject"—I emphasize this because it is the important part of the discussion in hand—"shall be subject to ratification by the signatory states in accordance with their respective constitutional processes."

The Charter does not say that it shall be subject to ratification by the signatory states in accordance with a process that may not be unconstitutional. It does not say that the ratification shall be had by some means not embraced within the Constitution. The Charter says that it shall be subject to ratification in accordance with the respective constitutional processes of the signatory states. To my mind this is not a mere statement of a negative fact, but it is a statement of an affirmative fact, that every such agreement shall be subject to ratification by the signatory states in accordance with the procedure prescribed in its constitution itself and set out as the constitutional process of ratification.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. SHIPSTEAD. Of course, the nations have different methods or processes for ratification, and each country must decide for itself how an agreement is to be ratified according to its own constitutional processes.

Mr. DONNELL. That is correct.

Mr. SHIPSTEAD. But in this country mainly the constitutional process is ratification by the Senate of the United States.

Mr. DONNELL. That is correct. It is not only mainly the constitutional process but is the only process under the

Constitution of the United States. The Senator is quite right in pointing out that in this country our Constitution looks forward with the view that the process of ratification is confined to action by the Senate of the United States.

Mr. President, it is suggested in the report of the Committee on Foreign Relations that under the view that the procedure by joint resolution or act of Congress is preferable:

The precise details of the obligation—such as the exact amount of the forces to be contributed and the places where they are to be stationed—is not a matter for treaty consideration but for legislative sanction by the Congress under its constitutional powers to raise and support armies, to provide and maintain a navy and to make rules for the government and regulation of the land and naval forces.

The references made in the report of the committee are to article I, section 8, paragraphs 12, 13, and 14 of the Constitution. Those provisions read substantially as set forth in the report of the committee, namely, that the Congress "shall have power to raise and support armies, to provide and maintain a Navy," and "to make rules for the government and regulation of the land and naval forces." But, Mr. President, can it be successfully contended for a moment that the power to raise and support armies, to provide and maintain a Navy, and to make rules for the government and regulation of the land and naval forces authorizes the two Houses of Congress to enter into a treaty or to ratify or confirm a treaty simply because the subject matter of the treaty embraces one or more of those subjects? The only reference in the Constitution of the United States to the process which law writers, as well as persons who are not lawyers, have constantly referred to as "ratification" is that which is contained in section 2 of article II, under the language:

He—

Meaning the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. DONNELL. I yield.

Mr. SHIPSTEAD. When we take into consideration the fact that we are writing a blank check for the Preparatory Commission to deal with these matters involving the war power, it is not only necessary and important to follow constitutional provisions, but particularly in a case of this kind, when we are giving practically carte blanche to the Preparatory Commission to prepare an instrument to be submitted to us. We do not know what it will contain. It seems to me that we are taking a great deal of risk not only by avoiding constitutional processes, but by giving a blank check and having an instrument come back here to be ratified by a majority.

Mr. DONNELL. I thank the Senator for his contribution. I think he has very

clearly pointed out the tremendous importance to the country of the proper decision with respect to this particular amendment, and the fact that we are not here quibbling over mere words. We are not here quibbling over what should be in this instrument.

The fact is that when the Charter of the United Nations was approved by this body on the 28th day of July 1945, it was approved with the provision in it that these agreements, important and profound as they are, "shall be subject to ratification by the signatory states in accordance with their respective constitutional processes." The article might have concluded with the words "shall be subject to ratification by the signatory states," leaving it open as to whether it should be done in accordance with constitutional processes or in accordance with some expression of the legislative body. But the writers of this instrument, carefully and properly so, expressly provided not merely that the agreements shall be subject to ratification by the signatory states but that such ratification shall be in accordance with their respective constitutional processes.

Is there a person who can say today that ratification in accordance with the respective constitutional processes of this Nation does not mean ratification by the Senate, with two-thirds of the Senators present concurring?

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. VANDENBERG. Responding to the Senator's challenge to the body of the Senate, as to whether anyone is prepared to rise and support such a contention, I wish merely to say to the Senator that I shall do so as soon as he has concluded.

Mr. DONNELL. I shall be pleased, as I am sure the Senate will be, to hear from the distinguished Senator from Michigan.

Mr. President, a moment ago I was referring to the fact that ratification in accordance with the respective constitutional processes is not authorized under the section of the Constitution which refers to the power of Congress to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. Those are legislative matters which are delegated to Congress by the Constitution of the United States. But, Mr. President, the power to make treaties is not a legislative function. It is clear that the operation of making a treaty is executive in its nature. The very fact that the Senate of the United States, before it enters into the consideration of a treaty, resolves itself out of legislative session and into executive session indicates very significantly the nature of the work which the Senate is doing when it engages in the study and ratification of a treaty. There is an executive power. The President makes treaties. He makes them by and with the advice and consent of the Senate. The process by which the advice and consent of the Senate is given is uniformly termed ratification by students,

law writers, encyclopedias, and, as I have previously indicated, by the Supreme Court itself.

So, Mr. President, I wish to emphasize the fact that in advocating this amendment I am not advocating throwing restrictions around the President or around Congress. I am merely advocating, as I see it, the carrying into effect of the clear, plain mandate of article 43 of the Charter of the United Nations. As I shall show in a few moments, it is not alone my opinion on which I rely.

It has been suggested that it is entirely constitutional for the two Houses of Congress to perform this act of ratification. I am not taking the position that it would have been impossible to provide validly in the Charter that the agreements shall be subject to approval by the Congress. I think it would have been entirely possible, as I have previously indicated, to provide that the agreements shall go into effect upon the happening of any event, whether that event be the ringing of a bell, the proclamation by some official, or any other act or incident. In my judgment, the Charter could have provided, as I have indicated, that the agreements shall become effective on the happening of any event whatsoever.

But, Mr. President, in the first place, that is not what the Charter did. I quote at this point from the observations of the distinguished minority leader, Mr. WHITE, who I am pleased to say, is again in attendance upon the sessions of the Senate. On July 25 of this year the minority leader stated, as appears from page 8028 of the CONGRESSIONAL RECORD:

The passage of legislation by the Congress is not, in my belief, a ratification as that term is correctly used in the law and in the Constitution.

The Senator from Maine further stated:

It may be that the Charter might have provided for approval by a joint resolution, or it might have recognized the Presidential authority to enter into negotiations and consummate agreements as distinguished from treaties. In the present instance, however, we have the testimony of Mr. DULLES that treaties were contemplated; we have the testimony of the chairman of the Committee on Foreign Relations that treaties were meant. I think this view is strengthened and confirmed and made certain by the very language of article 43 itself, which speaks of ratification by constitutional processes. "Ratification" is a term applied to the approval of a treaty by the Senate of the United States.

It is my judgment, therefore, for whatever it may be worth, that not only does the testimony before the committee bespeak the truth that treaties are to come before us, but that the language of the instrument itself speaks in terms of a treaty, and not of an agreement or a joint resolution.

Mr. President, the understanding of our representatives at the San Francisco Conference was clearly to the effect which I have indicated. There can be no possible question, from the reading both of the testimony and of the debate, participated in as it was by the distinguished Senator from Michigan [Mr. VANDENBERG], who rose a few moments

ago, that the understanding of our representatives at San Francisco was clearly that article 43 of the Charter of the United Nations, in requiring ratification by the United States in accordance with its respective constitutional processes, meant ratification by the Senate in the manner in which treaties are ratified.

Mr. President, I see upon the floor today the distinguished Senator from Texas [Mr. CONNALLY]. Again I call attention, as I did a few days ago, to certain testimony given before the Foreign Relations Committee in which the Senator from Texas participated. I shall read certain of the testimony of Mr. DULLES. Mr. DULLES, as the record so amply and appropriately shows, was one of the chief advisers of the United States delegation at San Francisco. He is an international lawyer of high standing, high ability, and high integrity. I shall read certain portions of his testimony and request Senators to observe the comments made with respect to it by the distinguished chairman of the Foreign Relations Committee, the senior Senator from Texas [Mr. CONNALLY]. I now read from the testimony:

Mr. DULLES. It is clearly my view, and it was the view of the entire United States delegation—

I repeat that statement by way of emphasis:

It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty.

Then the Senator from Colorado [Mr. MILLIKIN], who sits here this afternoon, said:

I should like to ask if that is the opinion of the chairman of the committee.

The chairman of the committee is the distinguished Senator from Texas [Mr. CONNALLY], who then said:

It is most certainly the opinion of the chairman of the committee. \* \* \* Our constitutional process is for us here at home to decide. There is no question in my mind that that means that the agreements must be ratified just like treaties are ratified, because they are with foreign countries. They are vital, they affect our Military Establishment, so they would have to be ratified by the United States Senate.

I thoroughly agree with Mr. DULLES that there was no question ever raised, so far as I know, in the conference as to that effect.

Then, Mr. President, the distinguished senior Senator from Michigan made a statement. The other day when I was quoting his remarks he was called from the floor of the Senate for a few moments. I referred to his observations before the Senate on the 24th of July of this year, during the debate upon the floor of the Senate, when he said:

So far as my own interpretation is concerned, I think the record should be completed in respect to the constitutional point submitted by the able Senator from Montana regarding the form in which the basic agreement for force, as contemplated by the Charter, shall be handled in the United States in behalf of the United States.



The distinguished senior Senator from Michigan continued, as follows:

First, I wish to say that it never remotely occurred to me, either at San Francisco or since—

Mr. President, I pause at the word "since," for they had been back from San Francisco for some weeks when that debate occurred, and that was only 4 days before the Charter of the United Nations was adopted by the Senate—

I wish to say that it never remotely occurred to me, either at San Francisco or since, that the language used in the Charter at this point did not refer to a treaty to be brought before the Senate of the United States for ratification, precisely as indicated by Mr. Dulles in his testimony, and as supported by the able Senator from Texas in his interpretation.

Then the Senator from Michigan continued, as follows:

I can understand how there might be advanced a perfectly legitimate argument as to whether or not constitutional process at that point referred to a joint resolution of Congress or a treaty action by the Senate, although it is the latter—

That is to say, Mr. President, the treaty action by the Senate— which I prefer.

Thus, the Senator from Michigan expressed himself 4 days before the Senate voted on the momentous United Nations Charter.

Next, Mr. President, I refer to the telephone conversation which the Senator from Michigan had with Mr. Dulles. The Senator from Michigan very properly came before the Senate on July 25 and reported as follows—and I read only the portion of his statement which I think is particularly important, although I am quite willing to read all of it:

As I understand, it continues to be Mr. Dulles' attitude—

Mind you, Mr. President, this was only a few minutes after the telephone conversation had concluded, as I understand, and I think I understand correctly from what is stated in the earlier portion of the Senator's statement—

that the agreements contemplated should be made by treaty, but that he has never passed upon the question of whether there may not legitimately be an alternative choice between a treaty and a joint resolution by Congress; that the only thing upon which he has been undertaking to speak is the basic question as to whether or not this authority must rest in Congress, either by treaty or by joint resolution, rather than whether it may rest in the exclusive authority of the President of the United States.

Mr. Dulles, as I understand him, is asserting the fundamental and controlling doctrine that this agreement between this Government and the Security Council governing the use of force cannot be made by exclusive Presidential authority through an executive agreement. He has not dealt with a choice between the two alternative congressional methods which are available.

A little later on in the statement of the Senator from Michigan we find that he said this, as shown on the next page of the Record—and let me point out that this statement was made on July 25, 3 days before the Senate voted to adopt the Charter of the United Nations, and

several weeks, as I recall, after the return of the delegation from San Francisco:

My position continues unequivocally to be that the action could not be taken by Presidential executive order, that it must be done by congressional consultation; that my preference continues to be that it should be done by treaty. But I concede a perfectly legitimate choice between the two methods of congressional expression, so long as we retain in Congress, by one of those two methods, the final power of decision.

Mr. President, I have indicated the views of both the distinguished senior Senator from Texas and the distinguished senior Senator from Michigan immediately preceding the time when the Charter of the United Nations was approved by the Senate. I appreciate the fact that the Senator from Michigan indicated that in his mind there was an alternative choice which could be made; but to my mind, Mr. President, there can be no alternative choice if the language of article 43 of the Charter of the United Nations is to be followed. If the Charter had meant to leave it to legislative action, it would have so provided. But it does not so provide. It provides that it shall be left to ratification in accordance with the respective constitutional processes of the signatory States.

Mr. President, the Senator from Michigan, who will address the Senate shortly, I am sure will give us valuable information and I know his views are entitled to great respect. But to my mind there is an impossibility involved in the position that ratification in accordance with the constitutional processes of this Nation consists or may consist of legislative action by the two Houses of the Congress. As I have previously indicated, it would have been entirely possible for the framers of the Charter to have made the going into effect of these agreements dependent upon the happening of any event—whether the ringing of a bell or the standing of a Member of the Senate upon the floor of the Senate; but that is not what the Charter provides. It provides that the ratification shall be in accordance with the constitutional processes of the signatory States. The "constitutional processes" there referred to certainly mean something more than a mere negation of unconstitutionality. To my mind there is no provision in the Constitution which directly or indirectly says that the constitutional process of ratification in the United States consists of a legislative act, either a joint resolution or a bill passed by Congress.

Mr. President, the power given to Congress to raise and support armies and navies, and to provide regulations with reference to them, has never been held to include an authorization on the part of Congress to negotiate treaties. It has certainly never been held to include executive acts on the part of Congress which treaty making, in accordance with constitutional processes, involves.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. SALTONSTALL. Does the Senator now feel willing to answer the question which I asked him a few days ago?

I know he does not agree with what I have said. I should like to ask him this question: If there is a legitimate difference of opinion with reference to the constitutionality of the method employed by Congress, after the passage by Congress of the legislation which is now being discussed cannot the Supreme Court of the United States at one time or another decide the constitutional question?

Mr. DONNELL. Mr. President, as I answered the distinguished Senator from Massachusetts a few days ago, I do not feel that I am competent to answer the question at the present time. In order to answer a question of the kind which has been propounded by the Senator from Massachusetts, I think it would be necessary to make a careful study and analysis of the decisions of the Supreme Court of the United States in determining what are and what are not political questions with reference to which the Court has repeatedly declined to rule.

To my mind, and I say so very humbly, because the Supreme Court and not a mere Member of the Senate, is the chief judicial authority of our country—if at some time the Supreme Court would decide the question, I feel that it would be advisable, under circumstances which made it important to determine the question, to have the question submitted. Again I say that I am not able, and do not, either directly or indirectly, express an opinion today as to whether or not the Supreme Court would assume jurisdiction of such a case.

Mr. SALTONSTALL. Mr. President, will the Senator yield to me for one further question along this line?

Mr. DONNELL. I yield.

Mr. SALTONSTALL. From what the Senator has said, I assume without any doubt that if he were today a member of the Supreme Court he would say that the Congress is being asked to pass legislation of an unconstitutional nature.

Mr. DONNELL. Mr. President, as I see it, the question before the Senate is not primarily one of a constitutional nature at all. The question is, What is the meaning of the language of article 43 that ratification shall be "in accordance with their respective constitutional processes"? I think we have before us the question of determining the meaning of that language. It may mean that the two Houses of Congress would be permitted to act by way of ratification. But to my mind the question is not whether a provision that ratification should be by both Houses of Congress would have been constitutional; the question is, What has been done? It has been specifically stated that the ratification shall be "in accordance with the respective constitutional processes." To my mind there can be no argument as to the correctness of the proposition that the ratification must be by action of the Senate of the United States.

Does the Senator from Massachusetts desire further to interrogate?

Mr. SALTONSTALL. Then, the Senator from Missouri takes the position that if Congress passes Senate bill 1580 in its present form, it will not be implementing the United Nations Charter as we consented to it last July.

Mr. DONNELL. That is exactly my position, and I am sure the Senator realizes the implication of the question and the answer. In other words, after careful study, deliberation, and voting, we subscribed last summer to every word in the Charter. Whether it would have been better to leave the matter to the two Houses of Congress, to the Secretary of State, or to the Presiding Officer of the Senate, is not the question. The question today is, What was meant when we said by our vote on the 28th of last July that the agreement or agreements "shall be subject to ratification by the signatory States in accordance with their respective constitutional processes?"

Does the Senator from Massachusetts desire further to interrogate?

Mr. SALTONSTALL. No. I thank the Senator.

Mr. DONNELL. Mr. President, I again desire to refer to what was said by Mr. Dulles. Mr. Dulles has been quoted with reference to a telephone conversation which indicated that he had not had in mind the difference between the two methods of approval, namely, one, by the Senate, and the other, by the House of Representatives. Without reflecting in the slightest on Mr. Dulles, it is with the utmost difficulty that I can bring myself into a frame of mind to realize how it would have been possible for a great lawyer, a man of the experience and standing of Mr. Dulles, to have gone to San Francisco in company with other men and there, day after day, participated in the sessions of the various committees or conferences being held, and not have asked what was the meaning of the words "ratification by the signatory states in accordance with their respective constitutional processes." To my mind he should have explored that question from one side to the other.

Mr. President, it is inconceivable to me that any man, lawyer, or layman, bearing in mind the vital importance of these agreements, and the fact that they embrace the various subjects which I have indicated, namely, the number of forces to be contributed, their relative location, and so forth—could have attended the sessions at San Francisco without considering carefully whether or not the ratification by constitutional processes meant ratification by the Senate, or meant some type of approval of a legislative nature by the two Houses of Congress.

Mr. President, I come to what Mr. Dulles testified in his testimony before the committee. I wish to relate what transpired. The Senator from Colorado [Mr. MILLIKIN] was interrogating. What I am about to read appears in the CONGRESSIONAL RECORD of July 28, 1945, the very day on which the Senate voted on the Charter. It was quoted in extenso only four pages from the place at which is recorded the final vote on the subject. What did the Senator from Colorado and Mr. Dulles have to say at the hearing? Senator MILLIKIN said:

Thank you. If I understood you correctly, Mr. Dulles, I thought you said that the Senate will have an opportunity to ratify the special agreements having to do with our contribution of force and material.

Mr. DULLES. Yes, sir.

Senator MILLIKIN. Is that your opinion?

Mr. DULLES. That is not only my opinion, but it is expressly stated in the Charter that the agreements are subject to ratification by the states in accordance with their constitutional processes.

Senator MILLIKIN. Then it is your opinion that to comply with our constitutional processes, that separate agreement would have to come to the Senate for ratification?

Mr. DULLES. It is, and that was the view of the American delegation. I think there is no doubt whatever about it.

Senator MILLIKIN. Is there any doubt about that, Mr. Dulles?

Mr. DULLES. No.

Senator MILLIKIN. And no disagreement of opinion of that?

Mr. DULLES. No.

I call the attention of the Senate especially to the next question and answer, for to my mind they are clearly indicative of the thought which Mr. Dulles had in his mind at the time he was in San Francisco, not when he was called up hastily over the telephone 2 weeks later, but at the time when he was at San Francisco. I do not mean that the Senator from Colorado was in San Francisco. He was questioning here in the Senate Office Building. Mr. Dulles having previously referred to no disagreement of opinion on the proposition about which I have just read, the Senator from Colorado asked this question:

I take it that by ratification you mean ratification by the method of advising and consenting to a treaty?

Mr. DULLES. That is correct; by a two-thirds vote of the Senate.

Mr. President, can there be any doubt as to the meaning in his mind? He did not say it could be done by the Congress. He said that by ratification he meant ratification by the method of advising and consenting to a treaty, "by a two-thirds vote of the Senate."

Then the Senator from Colorado proceeded:

The reason why I asked the question is that you are, of course—

Mr. President, I should really like to have the attention of the chairman of the Committee on Foreign Relations.

Mr. CONNALLY. Mr. President, the Senator makes reference to me.

Mr. DONNELL. I yield.

Mr. CONNALLY. The Senator from Texas was here all day Thursday, all day Friday, and has been here all day today listening to the Senator. I think I understand the Senator's point, because he has made it two or three times. I apologize if he thinks I am not listening, but he said he would use only 30 minutes today, and he has used some 2 hours.

Mr. DONNELL. Just a moment, Mr. President.

Mr. CONNALLY. Not all of that, but he gave some of the time away to other Senators very freely. I apologize to the Senator, and assure him I have my ear turned toward him now.

Mr. DONNELL. Mr. President, to my mind this matter is not one to be treated lightly. To my mind, the chairman of the Committee on Foreign Relations of the Senate is interested in every word that has to do with the matter of ratification of this treaty or the implementation of the treaty, and even if the matter were mentioned on last Thursday and on last Friday, I submit that it is of

sufficient importance to stand repetition again on Monday, in the same language, in the same forum in which the other expressions occurred.

Mr. President, with respect to the matter of the hour and 30 minutes, I watch the clocks, and while I did not take down with my pencil a memorandum, I think anyone who was present will recall very distinctly that in addition to the Senator from Nevada [Mr. McCARRAN] various other Senators spoke, with my consent; and I have no doubt the Senator from Texas would have extended the same courtesy to them just as I did. It was approximately 25 minutes after 1, as I recall, when I started to speak upon the subject matter to which I am addressing myself, namely, the amendment I have proposed. It is now 5 minutes after 2, which, as I figure it, is 40 minutes after I started.

Mr. President, I return again to what was said by Mr. Dulles to the Senator from Colorado. The Senator from Colorado said:

The reason why I asked the question is that you are, of course, aware of the fact that there is a large dispute as to what is the legitimate field for so-called executive agreements and treaties. You are definitely of the opinion that the special agreement referred to would have to be handled by supplemental treaty rather than by an executive agreement?

Mr. DULLES. I have no doubt whatever about that.

Then, Mr. President, a little later the distinguished chairman of the Committee on Foreign Relations entered into the discussion again. Mr. Dulles said:

It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty.

That was Mr. Dulles speaking. Then the Senator from Colorado very properly—

Mr. President, I understand there is a rule that if Senators desire to converse the cloakroom is provided for that purpose. Am I correct?

Mr. CONNALLY. Will the Senator yield?

Mr. DONNELL. I yield.

Mr. CONNALLY. The Senator continues to make reference to the Senator from Texas. The person to whom I was speaking was the clerk of the Committee on Foreign Relations, about a very important matter having to do with a hearing. I tried to make it brief. I did not interfere with the Senator.

Mr. President, under the rules I can take the Senator from Missouri from the floor any time I desire, because he has spoken seven or eight times during the same legislative day on the same subject; but I have not done it, and do not expect to do it. I am trying to be courteous to the Senator. I have some rights on this floor as well as the Senator from Missouri. I do not understand he has control of everything that may transpire on the floor of the Senate.

Mr. DONNELL. Mr. President, I understand also that Senators who desire to converse, as I have heard repeatedly stated from the Chair in the Senate, are



afforded the privileges of the cloakroom. I apologize to the Senator from Texas if I was interrupting a conversation which should not have been interrupted. I have observed the gentleman on his left and he have been conversing, not merely the man who came to his desk a few minutes ago.

I return to what Mr. Dulles said and what the Senator from Texas said:

Mr. DULLES. It is clearly my view, and it was the view of the entire United States delegation—

Which included the distinguished Senator from Texas—

that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty—

Then the Senator from Colorado turned to the Senator from Texas, the chairman of the committee, and said:

I should like to ask if that is the opinion of the chairman of the committee.

The chairman, the distinguished Senator from Texas, said:

It is most certainly the opinion of the chairman of the committee.

The last language Mr. Dulles had used was that it was to be "submitted to the Senate for ratification in the same way as a treaty." Then the chairman of the committee, the Senator from Texas, proceeded:

Our constitutional process is for us here at home to decide. There is no question in my mind—

I call attention to this again—

There is no question in my mind that that means that the agreements must be ratified just like treaties are ratified, because they are with foreign countries. They are vital, they affect our Military Establishment, so they would have to be ratified by the United States Senate.

Then he concluded:

I thoroughly agree with Mr. Dulles that there was no question ever raised, so far as I know, in the Conference to that effect.

Mr. President, my amendment speaks for itself, namely, that instead of adopting a method which is not a constitutional process we shall adopt a method which is the constitutional process, and the only one provided. My amendment is not a matter of restriction of power, it is a matter of carrying into effect the solemn obligation into which the United States Senate entered last summer when it ratified the Charter of the United Nations. The Charter explicitly recites that the ratification shall be in accordance with the constitutional processes of the respective signatory states.

The mere fact that Congress has it within its power to raise armies and support navies, and make rules and regulations for the Army and the Navy, does not even inferentially indicate that Congress has the power to make agreements with other nations or other groups of nations. There is no power resting in Congress, as a constitutional process, so to do.

True it is, as I have indicated, and as the distinguished Senator from Maine [Mr. WHITE], the minority leader, indi-

cated last summer, that it would have been entirely possible for the Charter to have provided that Congress should perform this function. It would have been entirely possible, there would have been nothing constitutional or unconstitutional about it; it would have been just the same as if the Charter had said that the agreement should go into effect upon the conclusion of the war with Japan. Again I wish to quote the distinguished minority leader, who has now returned, and who was not in the Chamber when I previously quoted him, and I think his statement was so clear that I shall close with his remarks. He said:

The passage of legislation by the Congress is not, in my belief, a ratification as that term is correctly used in the law and in the Constitution.

It may be that the Charter might have provided for approval by a joint resolution, or it might have recognized the Presidential authority to enter into negotiations and consummate agreements as distinguished from treaties.

In the present instance, however, we have the testimony of Mr. Dulles that the treaties were contemplated; we have the testimony of the chairman of the Committee on Foreign Relations that treaties were meant. I think this view is strengthened and confirmed and made certain by the very language of article 43 itself, which speaks of ratification by constitutional processes.

Continuing, the Senator from Maine said:

"Ratification" is a term applied to the approval of a treaty by the Senate of the United States.

It is my judgment, therefore—

Said the Senator from Maine, speaking near the conclusion of the debate on the United Nations Charter last July—

It is my judgment, therefore, for whatever it may be worth, that not only does the testimony before the committee bespeak the truth that treaties are to come before us, but that the language of the instrument itself speaks in terms of a treaty, and not of an agreement or a joint resolution.

Mr. President, I close with the observation that every Member of the Senate is entitled to have the action on the pending bill carry into effect the promises made in the Charter, and not to have something else substituted therefor.

Mr. VANDENBERG. Mr. President, I shall respond very briefly to the argument of the able Senator from Missouri. First, I want to commend him for his scrupulous fidelity to what he believes to be his constitutional obligation. I have the greatest respect in the world for any Senator who insists upon implementing his constitutional oath to the last possible degree to which he can emphasize that fidelity.

The difference fundamentally between the able Senator from Missouri and myself at the moment is that the action pending before the Senate, namely, a proposal that this ultimate agreement shall be ratified by the joint action of the two Houses of Congress, is, in my opinion, strictly a constitutional process.

Mr. President, it seems to me that certainly throughout my experience in the Senate, and particularly in the Foreign Relations Committee, we have repeatedly implemented treaties by agreements in

the fashion which is here proposed, and, while I may be mistaken, I have never known the process to have been challenged in any court in the land as an unconstitutional process. Therefore, it seems to me that the choice pending before the Senate today, as presented by the unanimous recommendation of the Foreign Relations Committee, does not involve in any degree a violation of constitutional process as required by the language of the United Nations Charter in respect to this particular decision. That being the case, Mr. President, it seems to me that the problem is tremendously simplified. We are not determining whether or not this is a constitutional process. It is a constitutional process. We are simply determining which constitutional process we shall choose for this particular obligation in implementing the treaty which we previously ratified in the fashion recommended by the Senator from Missouri.

The able Senator from Missouri has repeatedly quoted from the RECORD in respect to my position upon this question, and in each instance he has quoted me with absolute accuracy. Indeed, it seems to me that the RECORD completely bears out the position which I take today. I content myself with referring to his quotation at page 11173 of the RECORD in which he referred to my observations on the floor of the Senate on July 25 when the ratification of the Charter itself was pending. I am correctly quoted as follows by the Senator from Missouri:

My position continues unequivocally to be that the action—

Referring to the ultimate action upon these agreements, upon the contract with respect to force—

My position continues unequivocally to be that the action could not be taken by Presidential Executive order, that it must be done by congressional consultation.

I interrupt the quotation at that point to say, Mr. President, that it is well for the Senate to remember that as the question arose in the first instance it was not a question between exclusive Senate ratification of a treaty on the one hand or joint congressional action through a joint or concurrent resolution. That was not the question that arose in the first instance. The question that arose in the first instance was: Can this contract for force be made by the President of the United States himself alone by an executive agreement, or must it come in some form back to the representatives of the people for their approval? That is the fundamental question which was under consideration when all these assertions were made by the Senator from Texas [Mr. CONNALLY], by the Senator from Michigan, and even by Mr. Dulles, in the first instance. I said then, I say now, and the Senator from Texas would say now, that unequivocally this contract with the Security Council cannot be made by Presidential Executive order.

Mr. CONNALLY. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Texas?

Mr. VANDENBERG. I yield.

Mr. CONNALLY. Let me ask the Senator a question. If there were nothing in the Charter about how the agreements should be ratified, if it were perfectly blank on that point, and we had made the treaty and the Senate had ratified it by two-thirds majority, could not the President, being the President and Commander in Chief of the Army, make use of military forces, except for the fact that we are putting a provision in the bill as to how these agreements shall be ratified?

Mr. VANDENBERG. Of course, that is my position.

I continue the quotation. Then the Senator from Missouri called attention to the fact that I said:

My preference continues to be that it should be done by treaty—

Mr. President, that was my purpose at that time. I must say that I was asserting it primarily in opposition to the idea that this power could ever be exercised by the President himself alone through an executive order, but I do not want to try to evade the responsibility for whatever I may have said at that time. I meant at that time that I preferred it should be done by treaty. But let me call attention particularly to the next sentence which the able Senator from Missouri quoted from my observations at that time—and this is very important, it is fundamental, and it describes the issue which is presented to the Senate this afternoon—

but I concede a perfectly legitimate choice between the two methods of congressional expression, so long as we retain in Congress by one of those two methods, the final power of decision.

I said that on July 25, as quoted by the able Senator from Missouri. I say it now. I would say it at any time. So far as I am concerned, the important thing is to establish beyond peradventure, beyond any possibility of violation of the bond, that this contract for force cannot be written by the familiar practice of Presidential executive orders by which we have been chiefly governed during the past 12 years.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BROOKS. I do not have the RECORD before me, but I remember the debate at the time, from which the able Senator from Missouri has been quoting; and notwithstanding the fact that the senior Senator from Michigan, after he had expressed his preference at that time, did indicate that there is a perfectly legitimate choice, is it not still true that in that debate, when the Senate was being urged to ratify the United Nations Charter as a treaty, all the leaders advocating its adoption, namely, the distinguished chairman of the Foreign Relations Committee, the Senator from Texas [Mr. CONNALLY], the senior Senator from Michigan [Mr. VANDENBERG], Mr. Dulles, and the minority leader, the Senator from Maine [Mr. WHITE], then indicated that his preference was for action to be taken in the form of a treaty?

Mr. VANDENBERG. Yes; I think that is true.

Mr. BROOKS. Now will the Senator tell us what has happened to cause the change in unanimous opinion since the leaders received such an overwhelming majority vote on the charter, with the understanding certainly that every one of us believed that all four leaders at the time we considered the charter were for ratifying agreements as treaties?

Mr. VANDENBERG. I am coming to the answer just as soon as I can reach it. I think the Senator from Illinois is entitled to present that interrogatory, and if he will be patient with me not longer than 5 minutes I shall reach it.

The first thing I want to establish, Mr. President, beyond any question of a doubt, is that the original question involved was not a question as between Senate ratification of a treaty or House and Senate passage of a joint resolution or adoption of a concurrent resolution. The fundamental question was: Shall this be done by Presidential executive order without consultation of Congress by any method, or shall it be done by treaty? The answer to that was: It must be done by treaty. That had to be the answer. That is the answer today.

But, Mr. President, another question arises, and it was made perfectly plain, so far as I am concerned in my testimony in the various speeches to which the able Senator from Illinois refers, that the subordinate question immediately is: Can there not be a choice between the two different constitutional processes? And the answer then was, "Yes." And the answer to that now is, "Yes."

It is true, precisely as the able Senator from Illinois [Mr. BROOKS] has indicated, and as the distinguished Senator from Missouri [Mr. DONNELL] has told us at least once in the last 3 days, that there was a general unanimity of recommendation at that time that the choice between two processes should be a choice by treaty action. So far as I am concerned I would be perfectly willing to support treaty action today. I think it is of very little consequence whether it be by treaty action or by joint action of the two Houses.

What is the difference? Let us consider it for a moment. The difference is that, on the one hand, if we are to rely exclusively upon the treaty process, we depend upon 64 Senators to defend the welfare and interest of the Government of the United States and its people. If we rely upon the process contemplated in the pending bill, we rely upon 266 Members of the House and Senate. Mr. President, since, so far as I am concerned, no constitutional question is involved and it is purely a question of decision as to the relative desirability of one process over the other, I shall have to agree, regardless of my original preference for the treaty system, that the welfare of America is just as safe in the hands of 266 Members of the House and Senate as it is in the hands of 64 Senators.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. JOHNSON of Colorado. Is war declared by the Senate, or by joint action of the two Houses of Congress?

Mr. VANDENBERG. The Senator has raised a thoroughly pertinent point. I was coming to it in a moment. The question we are debating here is tied up with our great effort to prevent war. It is tied up with the hope of mankind that through the instrumentality of the United Nations Organization we can look forward to peace and security without the necessity of going to war.

If we go to war, a majority of the House and Senate puts us into war. Yet the argument here is that a majority of the House and Senate cannot be trusted to keep the peace. Obviously, the Senator from Colorado is perfectly correct in his approach to that question.

Many other reasons have been advanced why the House ought to have a partnership relation to a decision of this nature. The Senator from Missouri has referred to some of them. The House has equal responsibility with the Senate in respect of raising armies and supporting and sustaining them. The House has primary jurisdiction over the taxation necessities involved in supporting and sustaining armies and navies, and in maintaining national defense.

These are some of the reasons why a majority of the Senate Foreign Relations Committee came to the conclusion that, being free to choose either of these methods so far as the Constitution is concerned, it was preferable to rely upon joint action by both Houses, so that the decision could have the broadest possible reflection of American public opinion behind it. I yield to the opinion of the majority of the Senate Foreign Relations Committee, and I support its opinion this afternoon on the floor of the Senate, because I think the reasons adduced are powerful and conclusive in the aftermath of the months which we have given to the survey of this issue.

So, Mr. President, we come down simply to this, so far as the Senate Foreign Relations Committee is concerned: It has presented a unanimous report—unanimous, at least, so far as those who participated in the meetings are concerned. The committee has recommended a constitutional process for implementing the San Francisco Charter. In my view, the committee had a right to choose, under the Constitution, between the treaty method and the joint resolution method. It chose the joint resolution method. It chose to place the decision respecting quotas, which must come back to us in the form of a contract between our Government and the Security Council of the United Nations Organization, in the hands of the total Congress of the United States. It chose to place the ratification of that contract in the hands of both Houses of Congress, inasmuch as the total Congress of the United States must deal with all the consequences which are involved either if we have a war or if we succeeded in preventing one. I believe that the action of the committee was logical, in spite of my predilections in favor of scrupulously defending the Senate's treaty prerogatives. I have defended those prerogatives just as actively as has anyone else, and I shall continue to do so. I am not in favor of the movement



which would strike down the Senate's exclusive prerogatives in respect to treaties, and which would make a general practice of submitting all original treaties to both Houses of Congress for their approval. But this is a different question. This is a supplementary agreement implementing a treaty which has been ratified by two-thirds of the Senate—yea, by a vote of 89 to 2. This is an agreement to supplement and implement a treaty, precisely the same kind of an agreement which has repeatedly been embraced heretofore as an agency for this purpose. And, Mr. President, in view of the fact that it comes to the Senate with the united support of the Foreign Relations Committee, is fully within the confines of the Constitution of the United States, and errs, if it errs at all, only in that it broadens the voice of America when it accepts this contract in respect to a quota for armies, I submit that the amendment offered by the able Senator from Missouri should not be adopted.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. FULBRIGHT. I am in complete agreement with the reasoning of the Senator; but I should like to observe that his very persuasive arguments in favor of the joint resolution method are likewise persuasive for the abolition of the two-thirds rule altogether.

Mr. VANDENBERG. If the Senator will forgive me, I think there is no advantage to be gained by pursuing a general debate on that subject at this late hour.

Mr. FULBRIGHT. I do not intend to pursue it. I merely wished to compliment the Senator for his very persuasive presentation of the fundamental, basic reason why both Houses should participate not only in this particular instance but in all instances.

Mr. VANDENBERG. The Senator forces me to say that I do not think there is any direct analogy whatever between the two situations, and that there is a totally different assessment to be made against the original act, the original commitment of the Government of the United States to a basic treaty obligation, as compared with a supplemental action. I think there is an infinitely different degree of responsibility involved at that point than there is in a supplemental action which merely ratifies an agreement implementing a treaty obligation already ratified by two-thirds of the Senate of the United States; but I do not care to pursue the debate in that direction.

Mr. FULBRIGHT. Nor do I.

Mr. VANDENBERG. I can see where it would offer no advantage in the present instance.

Mr. FULBRIGHT. I did not intend to have the Senator pursue the debate in that direction.

Mr. BROOKS. Mr. President, I wish to compliment the distinguished Senator from Missouri [Mr. DONNELL] for forcefully and constantly drawing attention to the important decision which we are about to make, and for bringing the record up to date as to the method by which the United Nations Charter was adopted

and the change of view which has taken place among those who led the fight for so nearly unanimous a ratification at the time.

I do not agree that it requires both Houses of Congress to put us into war. It is the handling of our troops before either House of Congress ever has an opportunity to vote on the question that gets us into war. We declare war after something has been done with our troops and our military might which makes a declaration of war inevitable and inescapable.

We are now considering how we are to set up the agreement by which troops are to be assigned. When once assigned, we shall have to follow them to their death if we ever reach the stage where war is inevitable.

In the first instance, I do not believe that ratification should be by both Houses of Congress. I voted for the Charter with the understanding that the leaders all agreed as they did agree—that the agreement should be finally ratified by a two-thirds vote of the Senate.

I shall vote for the pending amendment, and I hope that it will prevail.

Mr. WHITE. Mr. President, I wish to say a few words about the situation. I speak extemporaneously concerning it.

When the United Nations Charter was before the Senate last July I indicated somewhat briefly my views as to what was to be done, and what must be done fully to implement the obligations we assumed under the Charter.

Mr. President, what is all this debate about? We are talking about the processes provided in article 43 of the San Francisco Charter. Article 43 provides that upon the initiation of the Security Council there shall be negotiated between the member states and the Security Council an agreement or agreements to be ratified by the member states through their constitutional processes.

There are three views which might be taken of the situation, three courses which might be followed. Some might say that these obligations could be assumed by the President, by virtue of the powers which inhere in the presidential office. I reject that contention altogether.

I think it is true that if the Charter itself, in article 43, did not provide otherwise, there would have been a choice before us as to how we should consummate and make vital the agreements referred to in article 43. It might have been done, as argued so eloquently by the Senator from Michigan, by joint resolution approved by both Houses of Congress and finally approved by the President of the United States.

Or it might have been done by the negotiation and ratification of a treaty, a treaty being just as much the law of the land when finally negotiated and finally ratified by the Senate as a joint resolution.

Mr. President, at San Francisco there was that choice as to which course should be prescribed for those of us in this country to follow. It was, I think, the unanimous view of all who served at that conference—it was the view of Mr. Dulles, who was the adviser of the American

delegation at the Conference; it was the view of members of the Foreign Relations Committee, including the chairman of the committee—that it should be done by treaty, not by joint resolution. I assume they came to that conclusion because the very language of the article which we are proposing to implement and which they drafted called in loud terms which could not be denied for the negotiation and the ratification of an agreement in the nature of a treaty by the Senate of the United States.

Mr. President, let us consider what negotiation is. Negotiation is a term applied almost universally, if not exclusively, to the drafting of treaties. It has no reference whatsoever to the formulation of legislation or the presentation of legislation to the Congress of the United States. The article referred to calls for the negotiation of a treaty—to be ratified how, and to be effectuated how? Not by joint action of the two Houses of the Congress, but an agreement in the nature of a treaty to be ratified by constitutional process. We cannot miss the importance of that word "ratified" because it is the word in the law and in the Constitution peculiarly and particularly applicable to a treaty and to the final disposition of a treaty.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. VANDENBERG. Will the Senator show me the word "ratify" in the Constitution?

Mr. WHITE. I believe it is not in the Constitution; but the process prescribed by the Constitution is generally referred to by the word "ratify"; and, under the Constitution, when an instrument in the nature of a treaty comes before the Senate it is supposed to be handled by ratification of the Senate.

Mr. VANDENBERG. I understood the Senator to say that the word "ratification" is in the Constitution.

Mr. WHITE. I did not mean that this word is in the Constitution, but the process is recognized in the Constitution.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. DONNELL. Does the Senator realize that in the debate it has been stated repeatedly that the Supreme Court of the United States has said the process must be that of ratification?

Mr. WHITE. The language of the Supreme Court refers to ratification by the Senate of the United States as a function of the Senate, not as a joint function of the Senate and the House of Representatives.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. TAFT. Can the Senator indicate any place in the Constitution where there is any suggestion of an executive agreement approved by both Houses of Congress?

Mr. WHITE. I think there is none.

Mr. President, I was about to say that not only was it the understanding of the members of the Foreign Relations Committee, not only was it the understanding of our delegation at San Francisco, not only was it the understanding

of the Senate, repeatedly stated on the floor of the Senate, that a treaty was in contemplation, but the very language of the instrument which we are proposing to effectuate, to make vital, speaks in terms of a treaty "initiated" by the Council and "negotiated" and "ratified" by the constitutional processes of the states which are parties to the instrument.

Mr. President, I hate to vote against the action of the committee. I do not believe I was present when the resolution was adopted. If I was, I missed entirely the provisions of article 5 to which the Donnell amendment applies. I think I was away at the time.

Mr. VANDENBERG. That is correct.

Mr. WHITE. But, Mr. President, in the situation which confronts us I cannot bring myself to believe that this is an instrument which the President of the United States may execute and may bring into full fruition. Although other language might have been drafted, so as to permit action by way of a joint resolution, I cannot believe that article 43 has in contemplation the adoption of a joint resolution by the Congress. It seems to me that it speaks in definite terms of a treaty, and to the exclusion of any other possible action by the Senate of the United States. Therefore, I shall support the amendment of the Senator from Missouri.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri [Mr. DONNELL]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the names of Mr. AIKEN and Mr. ANDREWS.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Inasmuch as thus far no Senator has responded to his name, the suggestion of the absence of a quorum is in order, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Gurney	O'Mahoney
Ball	Hart	Overton
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Briggs	Hill	Revercomb
Brooks	Hoey	Russell
Buck	Huffman	Saltonstall
Byrd	Johnson, Colo.	Shipstead
Capehart	Johnston, S. C.	Smith
Capper	Knowland	Taft
Carville	Langer	Taylor
Chavez	Lucas	Thomas, Utah
Connally	McClellan	Tunnell
Donnell	McKellar	Tydings
Downey	McMahon	Vandenberg
Eastland	Magnuson	Wagner
Ellender	Maybank	Walsh
Ferguson	Mead	Wheeler
Fulbright	Millikin	Wherry
George	Mitchell	White
Gerry	Moore	Willis
Gossett	Morse	Wilson
Green	Murdock	Young
Guffey	Murray	

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Missouri.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DONNELL. Am I correct in understanding that a vote of "yea" will be in favor of the amendment I have offered, and a vote of "nay" will be in opposition to the amendment I have offered?

The PRESIDENT pro tempore. That is correct.

The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. VANDENBERG (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained because of illness. If present, he would vote "nay."

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from New Mexico [Mr. HATCH], and will vote. I vote "nay."

I announce that if the Senator from New Mexico [Mr. HATCH] were present and voting, he would vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from West Virginia [Mr. KILGORE] are necessarily absent.

The Senator from New Mexico [Mr. HATCH], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Florida [Mr. PEPPER] is absent on official business.

The Senator from Nevada [Mr. McCARRAN], the Senator from Texas [Mr. O'DANIEL], and the Senator from Tennessee [Mr. STEWART] are detained on official business at Government departments.

I announce that on this vote the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER].

I wish to announce further that if present and voting the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from West Virginia [Mr. KILGORE], the Senator from New Mexico [Mr. HATCH], the Senator from Pennsylvania [Mr. MYERS], the Senator from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. STEWART], and the Senator from Oklahoma [Mr. THOMAS] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is detained on official business. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business. If present he would vote "nay."

The Senator from New Jersey [Mr. HAWKES] is absent on official business.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senator from Oregon [Mr. CORDON] is absent on official business as heretofore stated.

The Senator from Wyoming [Mr. ROBERTSON] has been excused. He is absent on official business.

The Senator from Maine [Mr. BREWSTER], the Senator from South Dakota [Mr. BUSHFIELD], and the Senator from Wisconsin [Mr. WILEY] are detained in committee meetings.

The result was announced—yeas 14, nays 57, as follows:

YEAS—14		
Brooks	Langer	Wheeler
Buck	Moore	Wherry
Capehart	Reed	White
Capper	Shipstead	Willis
Donnell	Taft	
NAYS—57		
Austin	Gurney	Morse
Ball	Hart	Murdock
Barkley	Hayden	Murray
Bilbo	Hickenlooper	O'Mahoney
Briggs	Hill	Overton
Byrd	Hoey	Radcliffe
Carville	Huffman	Revercomb
Chavez	Johnson, Colo.	Russell
Connally	Johnston, S. C.	Saltonstall
Downey	Knowland	Smith
Eastland	Lucas	Taylor
Ellender	McClellan	Thomas, Utah
Ferguson	McKellar	Tunnell
Fulbright	McMahon	Tydings
George	Magnuson	Vandenberg
Gerry	Maybank	Wagner
Gossett	Mead	Walsh
Green	Millikin	Wilson
Guffey	Mitchell	Young
NOT VOTING—25		
Aiken	Glass	Pepper
Andrews	Hatch	Robertson
Bailey	Hawkes	Stanfill
Bankhead	Kilgore	Stewart
Brewster	La Follette	Thomas, Okla.
Bridges	McCarran	Tobey
Bushfield	McFarland	Wiley
Butler	Myers	
Cordon	O'Daniel	

So Mr. DONNELL's amendment was rejected.

#### APPROPRIATION FOR THE UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 266, known as the UNRRA appropriation bill. On my motion I ask for the yeas and nays.

The PRESIDENT pro tempore. The joint resolution will be read by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 266) making an additional appropriation for the United Nations Relief and Rehabilitation Administration.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. Is the motion of the Senator from Oregon in order?

The PRESIDENT pro tempore. The motion is in order.



Mr. CONNALLY. I very much hope that the Senate will not agree to such a motion at this time. We are progressing very satisfactorily with the pending bill. We will finish consideration of it within a short time, and then we can take up the UNRRA appropriation measure. I am not at all hostile to it.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. If the motion of the Senator from Oregon prevails and the UNRRA appropriation measure is taken up, after it has been disposed of, will it be necessary again to move to proceed to the consideration of the pending bill, or will it come up automatically?

The PRESIDENT pro tempore. If the motion of the Senator from Oregon is agreed to, consideration of the pending bill would be set aside and the bill would be returned to the calendar. If the Senate wished to consider it further, it would have to be taken up anew.

Mr. BARKLEY. Mr. President, in view of the progress which we are making on the pending legislation and the probability that the joint resolution appropriating money for the UNRRA will be immediately taken up following the disposal of the pending bill, I wish to associate myself with the Senator from Texas [Mr. CONNALLY] in expressing the hope that the motion of the Senator from Oregon will not be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to speak very briefly on the motion, merely to say that, in my opinion, the Senate of the United States should take the very short period of time it will require to pass House Joint Resolution 266. I feel that there is a great moral obligation resting on the shoulders of the Senate not to delay further supplying the necessary food and clothing and shelter to the millions of people around this globe who this hour are suffering, are facing a winter which is going to result in the death of large numbers of people unless we proceed to pass the necessary appropriations provided for in the UNRRA bill. We cannot justify a day's delay in fulfilling this humanitarian obligation. We already have delayed much too long.

I think it is perfectly clear that within a very few hours the Senate can pass this UNRRA appropriation bill, and then we can go back, under the unanimous consent of the Senate, to the immediate consideration of the United Nations Organization bill, S. 1580. I feel that the passage of the UNRRA appropriation bill would have a tremendous effect in creating good will toward the United States all around the globe.

Mr. TAFT and Mr. HAYDEN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield, and if so, to whom?

Mr. MORSE. I shall not yield for a moment. I regret that it has been reported to me that some Senators on the other side of the aisle charge that there is a group of us in the United States Senate who are responsible for not

having House Joint Resolution 266 passed before this because of the fact that there has been a prolonged discussion of the United Nations Organization bill. I believe that the Senate discussion of that bill of the past few days has been one of the great historic constitutional debates of this session of Congress. I think that one who believes as the Senator from Missouri believes in regard to the constitutionality of that bill should have ample opportunity to present the great legal and constitutional argument which he has made. I regret that there is a thought on the part of some, as stated to the press by a Democratic leader, that there is a filibuster being conducted by the Senator from Missouri. I have read the RECORD very carefully, and, in my opinion, there was not one word in the remarks spoken in the issue by the Senator from Missouri that was subject to the interpretation that he was doing anything else but debating on the merits of the bill. The attack upon him by a Democratic leader is unjustified.

I regret that the implication is being made in some quarters that Republican Senators on this side of the aisle are responsible for not having the UNRRA bill passed by now. I now give to the Senate of the United States and to the Democratic Party on the other side of the aisle the full opportunity to proceed to pass the UNRRA bill this afternoon.

I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I wanted to ask the majority leader whether it might not be possible to reach an agreement, if consideration of the pending bill shall continue, as I now understand it certainly will, to take up the UNRRA bill tomorrow, at perhaps 12:30 o'clock, with the understanding that the unfinished business be temporarily laid aside, and if consideration of the UNRRA bill shall not be completed within half an hour or an hour, we recur to the standing order of business. I had hoped we might get through with the pending bill today but I have heard of two Senators who are to speak for quite a while.

I feel some obligation, because a few days ago, when the distinguished acting chairman of the Committee on Appropriations asked for the consideration of the UNRRA bill at about 4:30 o'clock in the afternoon, I thought it should not be proceeded with without notice to the Senate, I thought there should be a quorum called, and I am quite sure that a quorum could have been obtained if there had been a call at that time. But the Senator felt that there might be some doubt about it, so he preferred not to proceed with the bill rather than to call for a quorum. I think the Senator from Texas was willing at that time to have the pending bill set aside for half an hour or an hour, or some specified time, if the UNRRA bill could have been taken up and passed.

I wish to ask the distinguished majority leader whether he does not think such an agreement might be reached, for the consideration of the UNRRA bill at the hour of 12:30 o'clock tomorrow.

Mr. BARKLEY. Mr. President, as the Senate knows, I am engaged in an entirely different enterprise, at the moment, from that which seems to be en-

gaging the attention of the Senate, but the Senator from Texas, the chairman of the Committee on Foreign Relations, is in charge of the pending bill, and I certainly would not consent to any arrangement which would not meet with his approval.

I do not know how long the consideration of the pending bill will take. I had hoped it might be disposed of today. I do not know how long the so-called UNRRA bill will take. I have a fear that it may take more than the 30 minutes suggested by the Senator from Ohio. Whatever is agreeable to the Senator from Texas, who is in charge of the pending bill, I will say to the Senator from Texas, and the Senator from Ohio, would be agreeable to me, but I would not associate myself with any effort to displace the pending bill in order to take up the other bill unless it were entirely agreeable to the Senator from Texas.

Mr. CONNALLY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. CONNALLY. I wish to be agreeable to Senators. I am not disposed to hinder the UNRRA bill, but I do not regard it as so highly important that we must take it up now. The money will not be available for some time. I am informed that the debate on the UNRRA bill will take several hours. My source of information is a member of the Committee on Appropriations, which considered and reported the bill. Why should we now, when we are near the end of the debate, interrupt the consideration of the pending bill, which is of the highest importance not only to ourselves, but to the other nations of the world, who are witnessing the proceedings of the Senate in connection with it. I assure Senators that as soon as we finish with the pending bill, so far as I am personally concerned, I shall be perfectly willing to have the UNRRA bill considered. The authorization for the appropriation came from our committee originally, and we will have another authorization a little later from the committee relating to UNRRA.

It looks to me as if the appropriation could wait a reasonable time, until we get through with the pending bill. I hope Senators will not vote to lay the pending bill aside.

Mr. BARKLEY. If the Senator from Oregon will permit me, I might say that I had an informal understanding with the acting chairman of the Committee on Appropriations that following the disposition of the unfinished business, the UNRRA bill would be taken up. I do not mind confessing that the consideration of the pending bill has taken a little longer than I had anticipated. We always understand those things in the Senate, and we cannot ever be certain how long or how short a time will be consumed in the consideration of any measure.

I think the chances are we may dispose of the pending bill this afternoon, certainly tomorrow, and I doubt whether any great harm will come from a 24-hour delay in the consideration of the UNRRA bill.

Furthermore, I might say that I doubt very seriously whether the UNRRA bill

can be disposed of in 30 minutes or an hour. There are matters which may or may not be pertinent to the question of UNRRA which will be debated. We all understand that. It may take an entire day to dispose of the bill in order that Senators may express their views with reference to it.

If we may make all possible speed consistent with the proper consideration of the pending bill, I think we can reach the UNRRA bill tomorrow, at least. Unless it is agreeable to the Senator from Texas, I would not suggest that the pending bill be laid aside at this time in order to take up the other bill.

Mr. HAYDEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HAYDEN. I attended the sessions of the Committee on Appropriations which had before it the bill relating to additional funds for the United Nations Relief and Rehabilitation Administration and there was considerable debate in the committee. There was a decided difference of opinion, and I have not any doubt at all that the same difference of opinion will be expressed on the floor of the Senate. I doubt very much that the bill can be disposed of in less than 2 or 3 hours. Perhaps it will take longer than that.

I wish to say that I believe exactly as the Senator from Oregon does about the importance of promptly enacting the appropriation measure for UNRRA; but as a practical matter it cannot be done instantly. If the Senator believes as I do, he will vote for the bill as reported from the committee. The amendments which have been proposed, in my judgment, properly belong on the authorizing bill which is to follow in a very short time. In other words, we establish a policy with respect to UNRRA in the legislation which the Senator from Texas has mentioned, and I think it is the function of the Committee on Appropriations to carry out that policy. If the policy is to be changed, it should not be by riders or amendments to the appropriation measure about to be considered, but upon an additional legislative proposal which the Senate will consider very soon.

Mr. MORSE. Mr. President, I intend to vote for Senate bill 1580, but I think one of the best ways to implement the United Nations Organization would be to proceed without any further delay to pass House Joint Resolution 266. The starving peoples of Europe and Asia cannot eat our words. They need the food which UNRRA cannot give to them because we have failed to pass House Joint Resolution 266. Therefore, I call for a vote on my motion, which the Chair has ruled is in order, and I ask for the yeas and nays. I wish to remind the Senate that shrunken bellies of millions of people throughout the world are a challenge to our good faith to keep the trust of the San Francisco Charter.

The yeas and nays were ordered.

Mr. WHEELER. Mr. President, I agree with what the Senator from Oregon has said with reference to the debates which have occurred up to this time in reference to the pending bill. I shall not vote to take up the UNRRA

bill and displace the pending bill, because I think we should proceed with the pending bill and finish its consideration; although I am wholeheartedly in favor of the UNRRA measure.

In connection with criticism of the fact that there has been some discussion relating to the constitutionality of the pending bill, let me say that Mr. James G. Rogers, who is one of the greatest international lawyers in this country, has recently written a book upon the subject. He is in favor of the pending legislation, yet he agrees it presents a very close constitutional question, and one of the most important constitutional questions that has been presented to the Senate for some time. He says he hopes the matter will be discussed at length in the Senate, so that every man, woman, and child throughout the country will understand the questions which are being voted upon.

Other great international lawyers have taken the opposite view.

Mr. President, Senators should not consider lightly the question which is now before the Senate of the United States, which is a serious constitutional question, whether this country shall depart from what has heretofore been our national policy respecting foreign relations. The Senate is discussing and passing upon important constitutional questions when, as a matter of fact, only a handful of Members of the Senate have been on the Senate floor to listen to the discussion.

We hear talk about the Senate of the United States and, indeed, the whole Congress, lowering itself in the estimation of the people of the country. I deplore the attacks which have been made upon the Senate of the United States and upon the Congress of the United States. I deplore the fact that certain Members of the Senate and of the House of Representatives have gone about the country denouncing the Congress. I have no use for anyone who befools his own nest; but I do say, Mr. President, that when there are pending before the Congress questions of such great moment as the one now before the Senate, they should be given most careful consideration by every Member of the Senate. In my judgment it is most unfortunate that more Senators have not been on the floor and have not been able to listen to the debates which have been had in connection with the pending measure.

I call attention to the fact, Mr. President, that the things the Senator from Missouri has advocated, and for which he has argued, are the very things that John Foster Dulles said he took for granted would have to be submitted to the Senate of the United States. Not only that, but the distinguished Senator from Texas, the chairman of the Foreign Relations Committee [Mr. CONNALLY] took the same position, and the distinguished Senator from Michigan [Mr. VANDENBERG], also a delegate to the San Francisco Conference, took exactly the same position before the committee. As a matter of fact, only one member of the Foreign Relations Committee raised his voice in protest when the matter was before the committee.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. GEORGE. I do not want to engage in any controversy with the Senator from Montana, but I am a member of the Foreign Relations Committee, and served for a short time as chairman of that committee. On the floor of the Senate I took definite issue with the position taken by the distinguished Senator from Michigan and by the distinguished Senator from Texas in the first instance. I do not know that the Senator from Texas finally adhered to his then view. I also took definite issue with Mr. Dulles. And the Senator will find in the record that I took occasion then to express myself as being satisfied that if we then ratified the Charter itself it would not be necessary to have an additional treaty submitted to the Senate merely fixing the quota of troops that would be made available. I took that position for the simple reason that it seemed to me wholly unnecessary to have one treaty in order to authorize another treaty. But I took it for another reason, which seems to me to be fundamental. The United Nations Organization is the mere agency created by sovereign nations. The United States Government contracts treaty relations with sovereign powers, with other nations, and not with their agency. That is my position. I want to keep it straight. It is in the Record.

Mr. WHEELER. I thank the Senator from Georgia for correcting me with reference to that matter. But certainly I know of no other member of the Foreign Relations Committee who was present when John Foster Dulles made his statement in which he took another view.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. I do not wish to engage the Senator in controversy about that matter and I do not recall exactly whether I interrogated Mr. Dulles before the committee on that phase of his testimony, but if I did not in the committee, I did in the Senate take the same position as that taken by the Senator from Georgia [Mr. GEORGE] that by the enactment of the Charter which we were then considering we did not bind ourselves in the Senate to consider hereafter or thereafter legislation implementing that agreement at San Francisco by a two-thirds majority, or that we should even be required to consider that any subsequent agreement would have to be regarded as a treaty rather than as legislation.

Mr. HILL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HILL. I want to say that the Senator from Illinois [Mr. LUCAS], a member of the Foreign Relations Committee, and the Senator from New Mexico [Mr. HATCH] a member of the Foreign Relations Committee, and myself, a member of the committee, all took the same position on the floor in the debate that the Senator from Georgia and the Senator from Kentucky took.

Mr. WHEELER. Mr. President, I recall very distinctly that the Senator from



Illinois took that position on the floor of the Senate, and that the Senator from Alabama took that position on the floor of the Senate. But I am speaking of when Mr. Dulles made his statement before the committee. I have read the testimony very carefully, and I find that the chairman of the committee, who was a delegate to the San Francisco Conference, and Mr. Dulles, who was our legal adviser, and the Senator from Michigan, who was a delegate to the San Francisco Conference, all took the opposite view at that particular time, and the two Senators in question took that view on the floor of the Senate.

Frankly I do not think it makes a great deal of difference from the technical standpoint as to whether or not the agreements must be passed upon by both Houses of Congress, or ratified by a two-thirds majority of the Senate. I am not particularly interested in that question. But I do say that all leading authorities on international law have stated that in their judgment it is a very close question, and likewise that the question of giving the power to the President of the United States to send a delegate with the right to vote to send a portion of our Army, however small it may be, to put down aggression anywhere in the world, is a very close question of constitutional law.

Mr. President, I have offered an amendment dealing with that subject, and I intend on the floor of the Senate tomorrow to quote from some of the leading authorities upon that subject. I am perfectly aware that most Members of the Senate of the United States will vote against such an amendment. Nevertheless, I want my own record to be clear. I want to go on record to show my position with reference to the lack of constitutional authority for giving the President that power.

Mr. President, I do not intend to filibuster on the bill in the slightest degree. I think it is regrettable that anyone should say that because a Senator wants to discuss a constitutional question on the Senate floor for a day and a half or 2 days he was indulging in a filibuster, and to try to create such an impression throughout the United States. After all there is no great hurry for the passage of this bill today or tomorrow or the next day. When the Bretton Woods agreements were under consideration we were told that they must be acted upon without delay. We were told that all the countries of the world were waiting breathlessly to see what the United States of America would do to the Bretton Woods agreements. We were told we had to pass that legislation immediately, and that if we did not do so possibly the world would go to pieces. We did pass the legislation. What other nations have joined us in the Bretton Woods agreements? Has England, our great ally, joined us? Has Russia, another great peace-loving nation, joined us in the Bretton Woods agreements? If they have not done so, what other nations have joined? We listened to the overwhelming propaganda respecting the Bretton Woods agreements. We

were urged by newspaper columnists and radio commentators to pass the legislation. They presented the urgent necessity for immediate passage. They wanted hardly any discussion on the floor of the Senate. Mr. President, it has come to the point now where we are a nation controlled by propaganda. As I said at the outset, a delay of a day or 2 days is not going to jeopardize the pending legislation. The Congress will pass it in a short time. I simply rose to correct the idea that there was any filibuster in the Senate simply because a few Senators had the temerity to raise a constitutional question respecting the pending bill.

Mr. MEAD. Mr. President, I hope that, regardless of what determination we may make with respect to the pending bill, we will move to expedite the legislative program. I had intended to speak on the question of UNRRA for the last several days, but in the hope of expediting the passage of the pending bill I have refrained from taking any time of the Senate. However, Mr. President, I want to say that the Senate could meet earlier than it has been meeting and could remain in session longer and in that way expedite consideration of the pending bill.

I want to point out that the situation in the Old World is very serious, in fact it is tragic. People are depending upon us for UNRRA relief. We are the only nation which has not paid its full complement toward the initial UNRRA appropriation. People who are depending upon the balance of our originally pledged contribution are dying by the thousands. The pipe line is empty, and no supplies are being put into it.

Mr. President, this is a serious situation. Unless this appropriation for UNRRA is provided at a very early date it will not be possible to place orders in this country. Therefore no shipments will be made, and not only will there be prolonged suffering but all the good we have thus far accomplished will be of little or no avail. If we could file orders now, if we had the money now, shipments could be inaugurated. The pipe line would not remain empty for long, and relief would be forthcoming before it was too late.

The money which we appropriate will be used in great measure to buy surplus property, commodities, and food now being held by the military. Practically all the money will be spent in this country. It will be spent in a good cause. So I hope, in view of the tragedy of the situation, that we will make a decision here and now to expedite the consideration of legislation, even if it requires earlier sessions, and even if we are required to remain here after 3 o'clock in the afternoon. I remind the Senate that we left here at 3 o'clock last Friday afternoon.

Mr. President, there is pending a legislative program of vast importance. With that realization, and with the hope of being able to spend some time at home during the holidays, I trust that we will seriously consider the situation which confronts us and begin early and

work late until we enact the program of pending legislation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. MORSE. I wonder if the Senator from New York is aware of the fact that the reason given—at least in the press—for the Senate taking a recess at 3 o'clock Friday afternoon, and certainly the reason given in the cloakrooms, was that we could not obtain a quorum if one had been called for.

Mr. MEAD. I do not know what the reason was, but I hope that, regardless of what action we take on this vote, we will make it our business to enact the pending bill as speedily as possible, and then do likewise with the UNRRA appropriation bill.

Mr. BARKLEY. Mr. President, before a vote is taken on the pending motion, I should like to say a few words.

The UNRRA appropriation bill, in which I am tremendously interested, and in which I have manifested an interest from the very beginning, is the next order of business, so far as I know. I have conferred with the acting chairman of the Committee on Appropriations, the Senator who is now presiding [Mr. McKellar] and also with the Senator from Texas [Mr. Connally], in whose committee UNRRA originated. The UNRRA appropriation bill is the next order of business. I do not know how long a time will be required to dispose of it. I hope it may be disposed of speedily. I hope that the pending bill may be disposed of today. Whether that is possible, I am not in a position to predict. I am sure that the Senate is perfectly willing to spend as many hours as may be necessary in session considering this legislation. While it is true that on Friday the Senate took a recess at 3 o'clock, on the day before it remained in session until after 6. So Friday's early recess was not necessarily a criterion of Senatorial industry.

I hope that the motion to set aside the unfinished business will not be agreed to. I can assure the Senate that immediately upon the conclusion of consideration of the pending bill the UNRRA appropriation bill will be taken up for consideration.

Mr. WHITE. Mr. President, I am in complete harmony with the views expressed by the majority leader, the Senator from Kentucky. A program has been agreed to more or less definitely. It contemplated, first, the consideration and disposition of the bill which is now before the Senate. I understand that it then contemplated that the UNRRA appropriation bill would be taken up. When there has been such a general understanding, it seems to me that to set aside the unfinished business would be unwise in the extreme, and would not make for haste in the consideration of either piece of legislation, but would tend rather to confusion, and perhaps some discord. I fear that the net result would be harmful to both pieces of legislation rather than beneficial to either. So I express the hope

that the motion to lay aside the unfinished business and proceed with the UNRRA measure will not prevail.

Mr. KNOWLAND. Mr. President, I wish to join with the Senator from Oregon [Mr. MORSE] in expressing the hope that the UNRRA legislation may be taken up at this time, and also the hope that the distinguished leader on the other side of the aisle will see his way clear to join in this motion.

I speak as one on this side of the aisle who is supporting the Committee on Foreign Relations in its report to the Senate, and opposing any amendment to the pending bill. I speak as one on this side of the aisle who is supporting the UNRRA legislation as it comes from the committee handling that measure.

As one who has had some personal experience overseas, and has made some personal observation of the critical situation facing the nations of Europe and the stark hunger, famine, and disease which are now prevalent overseas, it seems to me that a delay of 2 or 3 days, or even a day, is far more critical when human life is confronted with hunger and disease. It seems to me that if my distinguished colleagues on the other side of the aisle would join with us at this time we could put the UNRRA legislation through and get it behind us.

The PRESIDING OFFICER (Mr. MURDOCK in the chair). The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE], to proceed to the consideration of House Joint Resolution 266. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. THOMAS of Utah (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from New Mexico [Mr. HATCH] and allow my vote to stand. I am informed that if present and voting, the Senator from New Mexico would vote as I have voted.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], and the Senator from West Virginia [Mr. KILGORE] are necessarily absent.

The Senator from New Mexico [Mr. HATCH], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Florida [Mr. PEPPER] is absent on official business.

The Senator from Mississippi [Mr. BILBO] is detained at a conference being held at the White House.

The Senator from Texas [Mr. O'DANIEL] is detained on official business at one of the Government departments.

The Senator from Illinois [Mr. LUCAS] is detained at a meeting of the Joint Committee on the Investigation of the Pearl Harbor Attack. I am advised that if

present and voting the Senator from Illinois would vote "nay."

I wish to announce further that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Pennsylvania [Mr. MYERS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] would vote "nay."

Mr. WHERRY. The Senator from New Jersey [Mr. HAWKES], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Oregon [Mr. CORBON] is absent on official business as heretofore stated.

The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senator from Wyoming [Mr. ROBERTSON] has been excused. He is absent on official business.

The Senator from Maine [Mr. BREWSTER] and the Senator from Wisconsin [Mr. WILEY] are detained in committee meetings.

The result was announced—yeas 21, nays 53, as follows:

## YEAS—21

Brooks	Fulbright	Shipstead
Buck	Hickenlooper	Smith
Bushfield	Knowland	Stanfill
Butler	Mead	Wagner
Capehart	Moore	Willis
Chavez	Morse	Wilson
Ellender	Revercomb	Young

## NAYS—53

Austin	Gurney	Murray
Ball	Hart	O'Mahoney
Bankhead	Hayden	Overton
Barkley	Hill	Radcliffe
Briggs	Hoey	Reed
Byrd	Huffman	Russell
Capper	Johnson, Colo.	Stewart
Carville	Johnston, S. C.	Taft
Connally	Langer	Taylor
Donnell	McCarran	Thomas, Utah
Downey	McClellan	Tunnell
Eastland	McKellar	Tydings
Ferguson	McMahon	Vandenberg
George	Magnuson	Walsh
Gerry	Maybank	Wheeler
Gossett	Millikin	Wherry
Green	Mitchell	White
Guffey	Murdoch	

## NOT VOTING—22

Aiken	Hatch	Pepper
Andrews	Hawkes	Robertson
Bailey	Kilgore	Saltonstall
Bilbo	La Follette	Thomas, Okla.
Brewster	Lucas	Tobey
Bridges	McFarland	Wiley
Cordon	Myers	
Glass	O'Daniel	

So Mr. MORSE's motion was rejected.

#### RANK OF CHIEFS OF BUREAUS IN THE NAVY DEPARTMENT—CONFERENCE REPORT

Mr. WALSH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1862) relating to the rank of chiefs of bureaus in the Navy Department, and for other purposes, having met, after full and free conference, have agreed to recommend

and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

DAVID I. WALSH,  
MILLARD E. TYDINGS,  
CHARLES W. TOBEY,

*Managers on the Part of the Senate.*

CARL VINSON,  
LYNDON B. JOHNSON,  
W. STERLING COLE,

*Managers on the Part of the House.*

Mr. WALSH. Mr. President, I ask unanimous consent for consideration of the report. Its consideration will take but a minute.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the report? The Chair hears none.

Mr. WALSH. I move that the report be agreed to.

Mr. WHITE. Mr. President, will the Senator indicate to us just what is the agreement which has been reached by the conferees?

Mr. WALSH. The House conferees receded from the position which the House originally took, and the bill as reported by the conferees is as the Senate passed it.

Mr. WHITE. And the conference report is agreed to by the Senate conferees, I assume.

Mr. WALSH. That is correct.

Mr. HILL. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. HILL. What was the difference between the Senate and the House in connection with this matter?

Mr. WALSH. The Senate sought to include provision for the request of the Senator from Louisiana that the Director of the Office of Budget and Reports be among the officers dealt with by the bill and be given the same treatment as that given the other chiefs of bureaus.

Mr. HILL. The House did not agree to the amendment and the conferees did not agree to it; is that correct?

Mr. WALSH. No; in the conference the position of the Senate was agreed to.

Mr. HILL. The conferees agreed to the position of the Senate regarding the matter; did they?

Mr. WALSH. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

#### FIRST SUPPLEMENTAL SURPLUS APPROPRIATION RECISSION ACT, 1946—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 26.



That the House recede from its disagreement to the amendments of the Senate numbered 4, 10, 11, 12, 15, 20, 24, 25, 28, 33, 34, 35, 36, 37, 38, 41, 42, 44, 45, 47, 48, 49, 51, 52, 54, 55, 56, 57, 58, 59, and 60 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$3,884,400"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$180,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$47,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$6,912,558"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$28,750"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$237,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$587,500"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$47,500"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$440,794,164"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Federal Communications Commission: Salaries and expenses, Federal Communications Commission (national defense), \$465,000."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$666,040,849"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Emergency rubber project, \$1,649,790, and the balance remaining shall be used to liquidate such project, including the elimination of the remaining plantations, the rehabilitation and return of leased lands to the owners and the disposal of other property according to law, and for the continuation of the production, breeding, and disease phases of guayule research on indicator plots and experimental areas until June 30, 1946: *Provided*, That any balances remaining shall be available until December 31, 1946, for completing the liquidation of the emergency rubber project."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Office of the Secretary: Salaries and expenses, Division of Geography, \$13,000."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"War Relocation Authority: Salaries and expenses, War Relocation Authority, Department of the Interior, \$2,500,000."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lines 2 and 3 of the second paragraph of the matter inserted by said amendment strike out the words "one hundred and twentieth" and insert in lieu thereof "one hundredth"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$54,107,572"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,945,503,585" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$3,919,338,479"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$541,018,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$1,514,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$1,675,684,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amend-

ment insert "\$11,900,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,575,225,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$1,248,510,540"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$1,359,367,650"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$800,374,950"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$14,370,159,964"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment strike out the word "further"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 32 and 39.

KENNETH McKELLAR,  
CARL HAYDEN,  
RICHARD B. RUSSELL,  
JOHN H. OVERTON,  
C. WAYLAND BROOKS,  
CHAN GURNEY,  
JOSEPH H. BALL,

*Managers on the Part of the Senate.*

CLARENCE CANNON,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
J. BUELL SNYDER,  
EMMETT O'NEAL,  
LOUIS C. RABAUT,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
EVERETT M. DIRKSEN,  
ALBERT J. ENGEL,

*Managers on the Part of the House.*

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

Mr. KNOWLAND. Mr. President, will the Senator from Tennessee state the changes in the bill?

Mr. McKELLAR. The conferees have agreed on everything except two items relating to the Air Corps of the Army. There is still a difference, and I will ask for an additional conference on those two items.

I move the adoption of the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the

House of Representatives announcing its action on certain amendments of the Senate to House bill 4407, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,

December 3, 1945.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the bill (H. R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, and concur therein with an amendment as follows: In lieu of the sum inserted by said Senate engrossed amendment insert "\$11,799,313,000"; and

That the House recede from its disagreement to the amendment of the Senate numbered 39 to said bill and concur therein with an amendment as follows: In lieu of the sum inserted by said Senate engrossed amendment insert "\$30,263,923,923."

Mr. McKELLAR. Mr. President, I move that the Senate disagree to the amendments of the House to the amendments of the Senate Nos. 32 and 39; ask for a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate at the further conference.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. OVERTON, Mr. BROOKS, Mr. BRIDGES, Mr. GURNEY, and Mr. BALL conferees on the part of the Senate at the further conference.

#### AUTHORIZATION FOR POSTMASTERS IN ALASKA TO ADMINISTER OATHS AND AFFIRMATIONS

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on a certain amendment of the Senate to an amendment of the House to House bill 304, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,

November 30, 1945.

*Resolved*, That the House concur in the amendment of the Senate to the bill (H. R. 304) to amend the act authorizing postmasters in Alaska to administer oaths and affirmations, with an amendment, as follows: Before line 1 of the said Senate engrossed amendment insert: "And that section 2 of said act approved August 5, 1939, is amended to read as follows."

Mr. McKELLAR. I move that the Senate concur in the amendment of the House to the amendment of the Senate. The motion was agreed to.

#### APPOINTMENT OF AMERICAN REPRESENTATIVES IN UNITED NATIONS ORGANIZATION

The Senate resumed the consideration of the bill (S. 1580) to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such Organization.

Mr. MILLIKIN. Mr. President, I have proposed amendments intended to improve the bill in the following ways:

First, to eliminate the provisions which would give diplomatic rank and status to our representative and deputy representative to the Security Council.

Second, to establish continuous office for full-time salaried representatives appointed to the General Assembly by the President by and with the advice and consent of the Senate, as distinguished from the present theory of the bill which would establish an intermittent office to be filled by representatives appointed by the President without the consent of the Senate, who shall serve without salary and who shall be specially selected and appointed to each session of the Assembly.

Third, to require the advice and consent of the Senate to the appointment of all representatives, except the President and the Secretary of State, to all organs and agencies of the United Nations, regardless of whether such representatives are Members of the Congress or are officers of the United States who shall have been appointed by and with the advice and consent of the Senate to unrelated positions. The bill as it now stands provides that only the representative and his deputy to the Security Council and the representatives to the Economic and Social Council and the Trusteeship Council shall be appointed by and with the advice and consent of the Senate, and that the appointment of representatives to the Economic and Social Council may be exempted from such consent if the appointees are Members of Congress or if they hold some other Federal job to which they have been appointed with the advice and consent of the Senate.

Fourth, to preserve the theory of the bill that the President or, at the discretion of the President, the Secretary of State may represent the United States at any meeting or session of any organ or agency of the United Nations, and to make it clear that the Secretary of State, if so acting, would not have to receive the preliminary consent of the Senate, and to authorize the President to make special temporary appointments of persons to specially designated meetings or sessions of any organ or agency of the United Nations.

Fifth, to require, in addition to the special current reports on decisions of the Security Council to take enforcement measures and on the participation therein of the representatives of the United States, as now provided in the bill, that Congress shall also receive special current reports from the President on matters being dealt with by the Council which in the judgment of the President may lead to decisions to take enforcement measures, and on the President's instructions to our representative on the Council regarding such preliminary matters and the decisions which may result therefrom.

Mr. President, I shall first discuss two amendments intended to eliminate diplomatic rank and status and undefined extraneous duties for our representative and our deputy representative to the Security Council, as now provided in sections 2 (a) and (b) of the bill. Since the two amendments relate to the same subject matter and since the decision on either of them would probably control decision on the other, I ask unanimous consent that both amendments may be considered as consolidated into one. I

refer to the amendment now on the desks of Senators, reading as follows—

Mr. MURDOCK. Does the Senator wish to have the amendment stated from the desk?

Mr. MILLIKIN. I wish to identify the two amendments and then have them stated.

On pages 1 and 2, strike out all of section 2 (a) and insert in lieu thereof the following:

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Security Council of the United Nations, who shall receive annual compensation of \$20,000 and shall hold office at the pleasure of the President.

The other related amendment is on page 2, lines 9, 10, and 11, to strike out "who shall have the rank and status of Envoy Extraordinary and Minister Plenipotentiary"; and on page 2, line 11, insert the word "who" before the word "shall."

Mr. President, I ask that the two amendments be consolidated.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On pages 1 and 2, it is proposed to strike out all of section 2 (a) and insert in lieu thereof the following:

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Security Council of the United Nations, who shall receive annual compensation of \$20,000 and shall hold office at the pleasure of the President.

On page 2, lines 9, 10, and 11 it is proposed to strike out "who shall have the rank and status of Envoy Extraordinary and Minister Plenipotentiary."

On page 2, line 11, it is proposed to insert the word "who" before the word "shall."

Mr. MILLIKIN. Mr. President, I renew my motion that the two amendments be considered as having been consolidated.

Mr. HILL. Mr. President, may I inquire what was the Senator's motion?

Mr. MILLIKIN. I have pointed out to the Senate that I have two amendments which would eliminate diplomatic status of our representative to the Security Council and his deputy. Inasmuch as both amendments relate to the same subject, I have suggested that they be considered as having been consolidated so that I will not have to argue in support of each one separately.

Mr. HILL. I suggest, Mr. President, that the Senator merely ask that the amendments be considered as one, without making any formal motion.

The PRESIDENT pro tempore. Without objection, the amendments will be considered as one, as requested by the Senator from Colorado.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. VANDENBERG. Am I to understand that the question which will presently be submitted to the Senate by my able friend is confined exclusively to the definition of the status of our representatives on the Security Council?



Mr. MILLIKIN. It does not confine itself exclusively to the definition, but to the subject matter of diplomatic status, title, and immunities of our representative to the Security Council and his delegate. That is the single sharp issue involved in the present discussion.

Mr. AUSTIN. Mr. President, does the Senator, at some place in his amendment, take care of the subject of immunity?

Mr. MILLIKIN. It will be taken care of directly.

Mr. TUNNELL. Mr. President, from hearing the amendment read, it does not seem to be the same as the printed form, a copy of which is on my desk. Has additional language been added to the amendment with reference to salaries, or is there a new copy of the amendment which does not include the salary of \$20,000?

Mr. MILLIKIN. The printed form of the amendment should show the following: "On pages 1 and 2, strike out all of section 2 (a) and insert in lieu thereof the following: Section 2 (a)," and so forth.

Mr. TUNNELL. Mr. President, I may say that in the copy which has just been handed to me I find the amendment to which the Senator has referred. I had not seen it before.

Mr. MILLIKIN. Have I made it clear?

Mr. TUNNELL. Yes. I thank the Senator.

Mr. MILLIKIN. Mr. President, I may emphasize that under the consolidated amendments all the features of sections 2 (a) and 2 (b) of the bill remain the same except for the elimination of the provisions relating to diplomatic rank and status, and extra undefined duties of our representative to the Security Council.

As to section 2 (a) of the bill, which provides that our representative to the Security Council "shall perform such other functions in connection with the participation of the United States in the United Nations Organization as the President may from time to time direct":

Is it not clear that our representative to the Security Council will have enough to do in attending to the business of that agency without having to assume undefined additional duties? This grant of additional and possible overlord authority and responsibility to our representative on the Security Council, in relation to the other organs and agencies of the organization, has, I submit, an inescapable tendency to exalt that representative over our representatives to the General Assembly. Indeed, it could be used so as to allow the representative on the Security Council to direct and to control the actions of our representatives to the Assembly, the Economic and Social Council, the Trusteeship Council, and all the specialized organs and agencies of the United Nations.

It, of course, might be advisable to have someone on the ground to check on how the instructions of the President are being carried out, and to perform other chores which would not disturb the proper relationships between our various representatives. If so, it certainly is not necessary that we make this glancing approach to the subject. It would

be an easy thing in this bill, or in other legislation, to authorize the President, if he does not already have the authority, to appoint someone to perform that specific job.

Moreover, we will be called upon to give our advice and consent to the appointment of our representative on the Security Council, and we shall perform our duty by considering his qualifications for that particular office, the nature of which is defined in the Charter. We cannot weigh his qualifications for unpredictable and anonymous duties.

The granting of diplomatic rank and status to our representative on the Security Council, and to his deputy, is not supported by the arguments which have been made in behalf of the provision. While querying the distinguished senior Senator from Michigan [Mr. VANDENBERG] at the beginning of the debate as to the purpose of this provision, I was informed by him that it is to assure that our representative and deputy representative on the Security Council shall follow the instructions of the President.

Section 3 of the bill provides in the most unequivocal manner that all our representatives who are provided for in section 2 of the bill—I say all of them, and that includes our representative and his deputy on the Security Council—"shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations."

Mr. BALL. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. BALL. That particular section of the bill has disturbed me somewhat. I do not know what other way may be provided by which instructions could be given to our representatives. But it seems to me that, so far as the law is concerned, the language which the Senator has read makes our representatives but little more than errand boys for the President and for the State Department. I have some doubt as to whether, under those circumstances our Government will be able to obtain representatives of the proper caliber to serve on the various agencies to which reference has been made if we are to build the United Nations Organization for peace through service to the people of the world. I should like to have the opinion of the Senator from Colorado on that point.

Mr. MILLIKIN. Mr. President, as to what our representative on the Security Council shall do, I do not see any escape from transmitting our will through instructions of the President. It has been held by the Supreme Court that the President is the sole organ of communication between this and other nations. Therefore I have been unable to figure out any way by which communication may be conducted than the way which has been provided. For example, it would be utterly impracticable—and I think it would be wrong—for the Congress itself to short-circuit the President

by corresponding and giving instructions direct to our representatives in the United Nations Organization. It seems to me that the basic question there is whether the language which I have read means a complete delegation of all our constitutional powers to the President, so far as those powers relate to subject matters involved in the Charter, or whether we retain as to those subjects over which we have reserved jurisdiction the right to funnel our own will through the President as an intermediary. At the beginning of the debate I asked some questions with regard to that subject, and both the distinguished senior Senator from Texas and the distinguished senior Senator from Michigan said in effect that as to any reserved powers of Congress under the Constitution, we could funnel those powers through the President.

Mr. BALL. Mr. President, will the Senator further yield to me?

Mr. MILLIKIN. I yield.

Mr. BALL. I agree with the Senator from Colorado that under the present set-up, and the concept underlying the San Francisco Charter, there is no alternative, perhaps, but to make all our representatives completely subject to instructions of the President. But it seems to me that the necessity for that arrangement emphasizes the character of this organization as having very much the appearance of a council of ambassadors similar to previous ones, instead of the appearance of an embryo parliament of the world in which representatives of the people may discuss freely and fully issues which threaten the peace of the world. Obviously, if all the representatives to the General Assembly are to be under strict instructions from their various chief executives, the possibility of full and free discussion in that Assembly is very greatly limited.

Mr. MILLIKIN. I think that undoubtedly the provision of the bill has that tendency. Candor requires me to say that I have tried to figure out how we could draw a line between where these men may act independently and where they must act in obedience to the instructions of the President, and I have been unable to find that line.

Mr. BALL. I agree with the Senator that it is difficult, for I, too, made a little effort to do that. I believe, however, that in actual practice the President and the Secretary of State will be guided to a considerable extent by the reports from our representatives on these various organs, so it is not exactly a one-way street that reaches back into Washington without somebody, knowing what is going on in the headquarters of the Assembly, instructing our delegate what to do.

Mr. MILLIKIN. The amendment which I am now discussing drives directly at the point whether we shall turn this organization into a diplomatic convention, and it is my theory, of course, that we should not. That is one of the purposes of the amendment.

Mr. BALL. I shall support the Senator's amendment. I think the further we can get away from the concept of a council or assembly of ambassadors of foreign rulers here, there, and every-

where, the nearer we will come to an effective organization to keep the peace.

Mr. MILLIKIN. I thank the distinguished Senator from his fine contribution.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. AUSTIN. Does the Senator consider that the provisions in the bill for annual reports and current reports are inclined to keep the Congress as much in touch with the executive as any other governmental branch? In other words, so far as determination of policy goes, whether it be internal or external, Congress has the primary charge of that matter. If at any time there arises from the reports which are made to the Congress by the President, coming from overseas, something which Congress deems leads it to take action, the Congress may, if it desires to do so, change or amend its policy, and the Executive, if the policy is in conformity with the Constitution, would be obliged to carry it out. Is not that the condition that is left by the bill with respect to the Government of the United States?

Mr. MILLIKIN. I agree entirely that the provision to which the Senator has referred is designed to give information to Congress, presumably so that it can protect its own powers and interest in specific situations as they may arise. An amendment which I shall discuss later is based on the theory that that provision does not go far enough in several very important respects. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. MORSE. Am I correct in assuming that possibly the Senator from Colorado shares the view I expressed a few days ago in my speech on the jurisdiction of the World Court, that we should at least hope for that era in which the General Assembly of the United Nations Organization will develop into what we might very well call the legislative branch of the world organization, and that the men selected to represent us on that organization, or that branch of the organization, should be men of the highest caliber, who can look forward to service there on a full-time rather than on a part-time basis?

Mr. MILLIKIN. Frankness requires me to say that I think there is perhaps a difference of opinion between the distinguished Senator and myself as to the time within which we can reach the situation to which he refers. But if we can evolve to that sort of a situation, I should certainly be heartily in favor of it.

Mr. MORSE. So long as our objective is a common one, I shall be glad to join with the Senator in doing everything we can to shorten the time.

Mr. MILLIKIN. I will say also that I have an amendment which is designed to correct what I consider to be a serious down-grading of the Assembly. In fact, several of my amendments have that intent. Under my view, we will be saved, if we are to be saved, by the Assembly. Once the Council ever commences a full-scale war, the organization, in my opin-

ion, will be finished, because it will thereby confess the failure of its intended purpose.

Mr. MORSE. I agree with the Senator.

Mr. MILLIKIN. Carrying that a little further, against whom would the Council operate? Under the veto power it can operate only against nations which are so small and so unimportant that they cannot attract a powerful patron. So that the function of the Security Council at the present time is confined to possible actions against very small nations of that unimportant nature.

Mr. MORSE. I am in complete agreement with the Senator's position on the veto. In my judgment, there is no hope of the elimination of power politics and balance-of-power diplomacy so long as the veto power can be exercised by any of the great powers of the world. We are either going to have rules of reason apply to all, and be equally applicable to all, or we are going to resort again, when some great power does not like a contemplated decision of the United Nations Organization, to the jungle law of force. I hope that in the very near future the Government of the United States will take a very definite stand that we are ready to have applied to us, and we believe every other great power should have applied to it, a uniformity of rule, without the reservation of a veto.

Along that line I found it impellant on me to make the plea I did make for the compulsory jurisdiction of the World Court. I hope the Senate in the not too far distant future—and I speak in terms of days—will proceed with a report from the Committee on Foreign Relations to take up the question of the compulsory jurisdiction of the Court.

Mr. FULBRIGHT. Mr. President, will the Senator from Colorado yield?

Mr. MILLIKIN. I yield.

Mr. FULBRIGHT. I should be interested if the Senator would develop a little further what he had in mind when he said that if the United Nations Organization ever used force, or had a war, it would mean the end of the Organization. What did the Senator mean by that?

Mr. MILLIKIN. In the first place, under the present nature of the Charter, the great powers have the veto right. It is inconceivable that a great power would not veto a proposed aggression against itself having the size of a war, or having any size. It is equally inconceivable from my standpoint that a great power would not use its veto if one of its important satellite nations were being considered as the object of coercive action. What is left? As I said a while ago, a group of nations so unimportant that they cannot attract a powerful patron, and against those nations nothing is required but very meager policing force.

The basic theory, so far as the Council is concerned, is that the important nations that have the power of veto must hang together and attend to the enforcement job contemplated by the Charter. It seems obvious to me that if they do not hang together they will be in war with each other, and in a war on such a scale as would result it cannot be argued

that the Council will have retained its effectiveness.

Mr. FULBRIGHT. Would the Senator think that the abolition of the veto power, at least in the area dealing with armament, which is the exercise of power through arms, would be an improvement?

Mr. MILLIKIN. No; I could not agree to the abolition of the veto power at this time.

Mr. FULBRIGHT. Well, let us leave out time.

Mr. MILLIKIN. I can foresee that we may evolve after experience with each other, after, through that experience, learning that we really mean that we want peace when we say we want it—and that might take a long course of years—I can see that we may evolve to that point, and then I would favor the abolition of the veto power.

Mr. FULBRIGHT. That is really what I have in mind. Then we should try to get some idea of where we are moving, and where we should move in order for this organization to be effective. The Senator agrees that is at least where we should aim to move?

Mr. MILLIKIN. Yes.

Mr. FULBRIGHT. Under circumstances of there being no veto power, and agreement having been reached upon the regulations concerning armament, if then there were a nation which was recalcitrant, we will say, and a war resulted, would the Senator consider that to be the end of this organization?

Mr. MILLIKIN. I think associated with that time we would have a world union which would abolish separate armies and this would enable the centralized military force of the world union to act against any recalcitrant part of the whole. I believe the problem then would be different.

Mr. FULBRIGHT. Then it would not necessarily mean the end of the organization?

Mr. MILLIKIN. Not at that time.

Mr. FULBRIGHT. That would be the normal functioning of an organization.

Mr. MILLIKIN. To make it clearer, my remarks apply to the way the organization is at this time, and, under my viewpoint, as it will continue to be for some time to come.

Mr. FULBRIGHT. I quite agree concerning the veto power. I do not quite see how there can be a legal war, so to speak, authorized by the organization against any nation which really counts.

Mr. MILLIKIN. Will not the Senator agree that that necessarily limits the use of coercive measures to very small and very unimportant nations? And, digressing from the instant subject, that may put the thought in our minds that our delegation of authority to this Organization to use armed forces need not be more than of modest size, because it should not take enormous military concentrations to whip one of these small and relatively unimportant nations.

Mr. President, I have pointed out that section 3 of the bill in the clearest possible language states that our representatives to the Organization shall follow the instructions of the President. My point being that since it is clearly provided that that shall be the case, there is



no point in giving diplomatic status and immunities and privileges to our representative to the Council to secure the same result.

It is respectfully suggested that nothing can add to the clarity of this provision, and certainly nothing is added by a masked approach which does not mention the subject aimed at and which carries with it many irrelevant implications.

The provision is not extended to our representatives to the other agencies and organs of the Organization. If the assigned reason for the provision, to wit, that it will make it additionally clear that our representative to the Security Council shall act under the instructions of the President, are sound, then the provision throws an unexplained and ominous suspicion of disobedience on our future representative to that particular agency and causes one to wonder why it is unlikely that the unknown future representatives to the Assembly and other agencies and organs of the Organization will be less recalcitrant. Surely, if it is important that our representative on the Security Council shall have this additional and oblique admonition to follow the President's instructions, it is also important that our representatives on the other organs and agencies of the Organization shall in the same curious way be made to feel the duty of obedience.

Furthermore, the charter itself grants to our representatives to the Organization the privileges and immunities necessary for the independent exercise of their functions. I read article 105:

1. The Organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article.

Or may propose conventions to the members of the United Nations for this purpose.

I quote an excerpt from the report by the executive committee to the Preparatory Commission of the United Nations dated October 27, 1945:

Under its terms of reference, Committee 10 undertook to make studies and prepare recommendations concerning the location of the permanent headquarters of the United Nations, and now submits its findings to the executive committee.

#### AGREEMENT WITH HOST STATE

1. Any agreement entered into by the Organization with the host state—

That is, the state where the seat of the Organization will be located—

should provide that the United Nations, its principal and subsidiary organs and the specialized agencies should enjoy all necessary guaranties and facilities provided by articles 104 and 105 of the Charter for the free exercise, in all circumstances, of their functions, diplomatic immunities and privileges, including inviolability of buildings and property owned or occupied by the United Nations or its organs, satisfactory visa facilities, exemption from immigration regulations for the members of the staff, experts

and permanent and temporary foreign delegations connected with the United Nations. (Agreements made with states on whose territory the headquarters of any of the principal and subsidiary organs of the United Nations or of specialized agencies are located should include similar provisions.)

The Secretary of State in his report to the President of June 26, 1945, on the San Francisco Conference closes his remarks on the subject as follows—page 160:

So far as the United States is concerned, legislation will be needed to enable the officials of the United States—

#### To do what?

to afford all of the appropriate privileges and immunities due the Organization and its officials under this provision. Such legislation would deal with such exemption from various tax burdens and other requirements as is commonly granted to representatives of foreign governments. The enactment of legislation and its application to such persons would not be for the purpose of conferring a favor upon any individuals. It would rather be for the purpose of assuring to the Organization the possibility that its work could be carried on without interference or interruption. The according of such privileges and immunities is merely one aspect of cooperating with the Organization itself.

So, from article 105 and from the report of the preparatory commission the remarks of the Secretary of State on the subject, we may conclude that the Organization itself, by appropriate conventions with the host country and other nations, will see to it that the representatives from this and all other member nations will be afforded the privileges and immunities necessary for carrying on their official business and that the whole subject is premature and that we had better wait to see what the Organization wants its members to do in the way of privileges and immunities.

Let me emphasize that domestically we can do what we want to do as to privileges and immunities for our own representatives or for any favored category of them without giving them diplomatic rank and status.

Then I suggest that we are setting a very harmful precedent. It follows from the fact that we are a powerful and leading nation; that if we vest our representative to the Council with diplomatic rank and status, that every other member country, whether or not it can afford it, will consider that it, too, must do the same, and it will not be long before all the representatives to the Council, their deputies, and all the representatives to the Assembly, and all the representatives of all the member countries on the other organs and agencies of the United Nations, numbering into the hundreds, will also be given diplomatic rank and status.

There would be so many ambassadors that they would not be able to sit down to work or to eat because they would never be able to agree on their places at the tables. Foster, in his book on the practice of diplomacy, gives an amusing account of the early day precedence difficulties at diplomatic conventions and of foreign courts. He states:

A large part of the deliberations of the great congresses of European nations up to and even including the early part of the

last century, was taken up in setting the question of precedence among the envoys or delegates. This was notably so at the Conference of Westphalia. At the Congress of Ryswick a warm debate occurred over the demand of the ambassadors of the Emperor of Germany that a particular space should be set apart for their carriages, and that this should be the post of honor. A fierce quarrel occurred over the allotment of rooms. In the conference room a single table had been provided, but no agreement could be reached as to the order of seating, and so in that room they all stood; and another room was provided in which there was no table, and the envoys sat in a circle. At the Diet of Regensburg the precedence of the ambassadors was decided by an arithmetical rule by which each had precedence over the rest twice in 10 days. At Utrecht a round table was used, but this lost its accommodating qualities when it was discovered that the place of honor was opposite the door of entrance, and that every place of honor has a right and a left. At this congress a quarrel for precedence took place between the footmen of the several ambassadors, in the account of which, occupying 30 pages in the History of the Congress, it is recorded that it "threatened to retard the peace of Christendom." Addison gives an amusing account in the Spectator of a discussion over it which he heard in one of the coffee houses in London, the result of which he sums up in these words: "All I could learn at last from these honest gentlemen was that the matter in debate was too high a nature for such heads as theirs, or mine, to comprehend." Macaulay, in his History of England, describes in his best vein the proceedings of the Congress of Ryswick, which well illustrates these idle controversies.

The contest of envoys to these international congresses of the past has been not more animated and absurd than that of the envoys to the several courts of Europe. Many amusing and some tragic incidents have been narrated respecting the latter, from which I give the following instances: It is related that the Spanish Ambassador to England in 1661, in order to secure a place in the royal procession next to the King and before his French colleague, attacked the latter's coach in the streets of London, hamstringing his horses and killed his men, thus vindicating his country's greatness.

When the plenipotentiaries of France and Austria met to settle the conditions of marriage between Louis XIV and Marie Theresa, in order to preserve the full dignity of their nations, they stepped together, with the right foot, side by side, into a council chamber hung in corresponding halves with their respective colors, and sat down at the same instant precisely opposite each other at a square table, on two mathematically equivalent armchairs. Such events as these in statecraft led Voltaire to remark that armchairs, backed chairs, and stools were "important subjects of politics, and illustrious subjects of quarrels" in those days.

A story is told of two newly arrived envoys from Italy and Germany who, being unable to agree as to which should first present his credentials to the King of France, stipulated that whoever reached Versailles soonest on the day of their reception should take precedence of the other. The Prussian went the night before the audience and sat on a bench before the palace until dawn. The Italian arriving early in the morning saw the Prussian there before him and slipped surreptitiously through the door of the king's bedroom and commenced his speech of audience. The Prussian rushed after him, pulled him back by the skirts, and commenced his harangue. The memoirs of diplomats and the histories of Europe are full of the extreme and absurd contentions of envoys, but the foregoing are sufficient to illustrate their extreme and other farcical pretensions.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. TAYLOR. Does the Senator imagine that future historians, in looking upon our deliberations over the United Nations Organization, with its power of veto which renders the whole thing futile, may chronicle them in somewhat the same manner as the events to which he has referred were chronicled?

Mr. MILLIKIN. It is difficult for us to see the humor of the day in which we live.

It takes a great deal of money beyond that which is paid in salary for an ambassador to maintain his position abroad. Surely we do not intend to exclude a poor man who can meet all qualifications except the possession of a huge private fortune from representing his country on the Council. In passing, I point out that the bill as now drawn does not provide any salary for our representatives to the Assembly, and the same objection is applicable there.

I feel quite sure that it was never intended that the Organization should be a diplomatic convention or a mere adjunct to traditional diplomacy. I suggest that if the Organization has any chance to succeed it will be because it is a hard-working body, free of ostentation and diplomatic frills, and characterized by democratic simplicity consistent with its basic theory of the equal sovereignty of all its members and its professed regard for the poor and humble of all the world.

The Organization was created because diplomacy has failed to keep the peace. It remains to be seen whether the Organization will be more successful, but we cannot hope that it will be more successful if it is to ape the system which did not succeed.

A short 5 months have worked a startling and chilling recession in the hopes of the world for the success of the Charter. The revelations, one on top of the other, that secret diplomacy in which we have participated has gone a long way in chaining the world to special spheres of influence and power politics have quenched the fervors of many of the most zealous promoters of the United Nations.

Confronted as we are with the task of reasserting and reestablishing the primacy of the opposing ideals and actions proclaimed by the Charter and to which we have pledged ourselves, what are we doing about it? How do we intend to hold and reverse the mounting forces of repudiation?

We set the tone of what we propose to do by making our representative to the Security Council an envoy extraordinary and ambassador plenipotentiary and by making his deputy an envoy extraordinary and minister plenipotentiary we offer rank and status and immunity and privileges and diplomatic titles.

Confronted with the challenge of a despairing and frightened world, we take our shining hope of June and at the beginning of its first winter we deposit it as a foundling on the doorstep of diplomacy.

Envoy extraordinary and ambassador plenipotentiary! Envoy extraordinary and minister plenipotentiary! That, my

fellow Senators, in the language of Father Divine is the way to "tangibilate the intangible."

Mr. President, I suggest that we might as well have a vote now on this amendment if there are no further remarks.

Mr. VANDENBERG. Mr. President, I wish to comment briefly on the exchange between the Senator from Colorado and the Senator from Arkansas [Mr. FULBRIGHT] if the Senator from Colorado has concluded his remarks. I do not wish to interrupt him.

Mr. MILLIKIN. I yield.

Mr. VANDENBERG. The thing that was said in the exchange between the Senator from Colorado and the Senator from Arkansas goes so desperately to the heart and core of the question whether or not the United Nations can succeed, or whether there is any chance to chart peace in this present unhappy world, that I wish to make reference to it based upon a current exhibit in the news. I think this phase of the matter is even more important than the United Nations Organization itself, if that could be possible. I wish to read a dispatch from London this morning:

#### RULE OF JAPS, NOT ATOM, IRKS RUSSIA—BEVIN

LONDON.—Britain's Labor Cabinet has concluded that American control of Japan, rather than the atomic energy secrecy, is responsible for Russia's recent cooling toward the western powers.

This is the substance of a statement that Foreign Secretary Ernest Bevin made to the external affairs committee of the parliamentary labor party this week.

#### PRESS SUPPORTS BELIEF

Bevin refrained from elaborating on this significant comment despite the effort of Labor Members of Commons to draw him out.

It was presumably on the basis of reports from Sir Archibald Clark Kerr, British Ambassador to Moscow, that Bevin reached his verdict.

The Soviet press and radio have been assuming an attitude toward American action in Japan which appears to support Bevin's findings.

Russian comment has been stressing the survival of Japanese industrialists in position of authority, continued existence of a nucleus of Japan's police and military forces.

Alleged United States failure to encourage the weak progressive forces in Japan, combined with Russia's exclusion from a share in shaping Japan's destiny, evidently has been stimulating Soviet fear that Japan is to be prepared as a potential outpost against Russia.

Mr. President, it is the latter and final sentence which I emphasize.

Here again we collide, as we have collided all this year, with Soviet fear in respect to ultimate resurgence of Axis aggression upon them. Here again we confront precisely that same fear.

I wish to refer to a speech which I made on the floor of the Senate on January 10, 1945. I shall read one paragraph of it. Mr. President, I am as strongly convinced today as I was then that there is collateral action which should be taken between Great Britain, Russia, and the United States in behalf of world peace which is indispensable to the sort of great-power relationship which is necessary not only for the effective functioning of the United Nations Organization but which is equally necessary for any sort of effective partner-

ship between America and the Soviets and Great Britain which will be mutually effective in behalf of peace, security, and understanding.

On January 10, nearly a year ago, before the United Nations Organization had been formed, when I was discussing this matter I referred to the fact that at that time Russia was constantly expressing her fear of a resurgent Germany. She seemed to wish to have more effective protection against a resurgent Axis than she could see in sight at the time. I then said what I am about to quote; and in the light of the dispatch from London which I have just read, I submit that it is as true today as it was at that time, it has constantly remained true in the interim, and I fear it will continue to be true until something of this nature is done.

I quote:

I propose that we meet this problem conclusively and at once—

Namely, the problem of giving the Soviets an assurance against Axis resurgence which should be so complete that this reason never again could be urged against total and sympathetic cooperation not only in the United Nations Organization but also among the great powers—

I propose that we meet this problem conclusively and at once. There is no reason to wait. America has this same self-interest in permanently, conclusively, and effectively disarming Germany and Japan. It is simply unthinkable that America, or any other member of the United Nations, would allow this Axis calamity to reproduce itself again. Whether we Americans do or do not agree upon all the powers that shall reside in all ultimate international council to call upon us for joint military action in behalf of collective security, surely we can agree that we do not even want an instant's hesitation or doubt about our military cooperation in the peremptory use of force, if needed, to keep Germany and Japan demilitarized. Such a crisis would be the lengthened shadow of the present war. It would be a direct epilog to the present war. It should be handled as this present war is handled. There should be no more need to refer any such action back to Congress than that Congress should expect to pass upon battle plans today. The Commander in Chief should have instant power to act, and he should act. I know of no reason why a hard-and-fast treaty between the major Allies should not be signed today to achieve this dependable end. We need not await the determination of our other post-war relationships. This problem—this menace—stands apart by itself. Regardless of what our later decision may be in respect to the power that shall be delegated to the President to join our military force with others in a new peace league—no matter what limitations may commend themselves to our ultimate judgments in this regard, I am sure we can agree that there should be no limitations when it comes to keeping the Axis out of piracy for keeps. I respectfully urge that we meet this problem now. From it stem many of today's confusions, doubts, and frustrations. I think we should immediately put it behind us by conclusive action. Having done so, most of the reasons given for controversial unilateral and bilateral actions by our allies will have disappeared; and then we shall be able, at least, to judge accurately whether we have found and cured the real hazard to our relationships. We shall have closed ranks. We shall have returned infinitely closer to basic unity.



Mr. President, I submit that at that time it was perfectly clear that if we could have a treaty between the three major powers which would permanently create an alliance against the resurgence of the Axis—nothing else, just that, the resurgence of the Axis—which then and now seems to be either the reason for Russia's difficulties with us or at least the excuse, if we could have done it then, that would have cleared the track. I very much doubt that we shall clear the track until we do it. It seems to me that if an engagement of that character were written between the three major powers, within the four corners of the United Nations Organization, it would complete a guaranty against Axis resurgence which would prevent the misunderstandings which are plaguing our international relationships today, if it be in fact true that the fear of this resurgence is to blame for our difficulties.

Mr. MILLIKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Hickenlooper	Revercomb
Ball	Hill	Russell
Bankhead	Hoey	Shipstead
Barkley	Huffman	Smith
Bilbo	Johnson, Colo.	Stanfill
Briggs	Johnston, S. C.	Stewart
Byrd	Knowland	Taft
Capper	Lucas	Taylor
Connally	McCarran	Thomas, Utah
Donnell	McClellan	Tunnell
Downey	McKellar	Tydings
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Millikin	Wheeler
Gerry	Mitchell	Wherry
Gossett	Moore	White
Green	Murdoch	Wiley
Guffey	Murray	Willis
Gurney	O'Mahoney	Wilson
Hart	Radcliffe	Young

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. MILLIKIN. Mr. President, on my amendment I ask for the yeas and nays. The yeas and nays were ordered.

Mr. CONNALLY. Mr. President, I shall not consume the time of the Senate by making an extended argument against the amendment of the Senator from Colorado. I hope, however, that the Senate will reject the amendment.

The diplomatic character of our representative would be quite appropriate, and a great help to him in the way of privileges a diplomat has regarding passage through a country, the question of precedence, and matters of that kind. Furthermore, the President might wish to utilize this representative to perform a diplomatic mission in an adjoining country, or something of that nature. It will do not harm whatever to invest our representative with this character, and I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the junior Senator from Colorado [Mr. MILLIKIN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. Mr. WAGNER. I have a pair with the Senator from Kansas [Mr. REED], which

I transfer to the Senator from Florida [Mr. PEPPER]. I vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES], which I transfer to the Senator from New Mexico [Mr. HATCH]. I vote "nay." I am informed that if present and voting the Senator from New Mexico would vote as I have voted.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], and the Senator from West Virginia [Mr. KILGORE] are necessarily absent.

The Senator from New Mexico [Mr. HATCH], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Florida [Mr. PEPPER] is absent on official business.

The Senator from Nevada [Mr. CARVILLE] and the Senator from New Mexico [Mr. CHAVEZ] are detained at a conference being held at the White House.

The Senator from Texas [Mr. O'DANIEL] is detained on official business at one of the Government departments.

The Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from New York [Mr. MEAD], and the Senator from Louisiana [Mr. OVERTON] are detained because of attendance at important committee meetings.

I wish to announce further that if present and voting the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Nevada [Mr. CARVILLE], the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. KILGORE], the Senator from New York [Mr. MEAD], the Senator from Pennsylvania [Mr. MYERS], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] would vote "nay."

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Oregon [Mr. CORDON] is absent on official business, as heretofore stated.

The Senator from Maine [Mr. BREWSTER], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. MORSE], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New Hampshire [Mr. TOBEY] are absent on official business. The Senator from Oregon, the Senator from Massachusetts, and the Senator from New Hampshire would vote "nay" if present.

The Senator from Wyoming [Mr. ROBERTSON] has been excused. He is absent on official business.

The Senator from Illinois [Mr. BROOKS], the Senator from Delaware [Mr. BUCK], the Senator from South

Dakota [Mr. BUSHFIELD], the Senator from Nebraska [Mr. BUTLER], and the Senator from Kansas [Mr. REED] are detained on official business.

The Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness.

The result was announced—yeas 17, nays 46, as follows:

## YEAS—17

Ball	Moore	Wheeler
Donnell	Revercomb	Wherry
Fulbright	Shipstead	Willis
Hickenlooper	Smith	Wilson
Johnson, Colo.	Taft	Young
Millikin	Tydings	

## NAYS—46

Austin	Gurney	Murray
Bankhead	Hart	O'Mahoney
Barkley	Hill	Radcliffe
Bilbo	Hoey	Russell
Briggs	Huffman	Stanfill
Byrd	Johnston, S. C.	Stewart
Capper	Knowland	Taylor
Connally	Lucas	Thomas, Utah
Downey	McCarran	Tunnell
Eastland	McClellan	Vandenberg
Ellender	McKellar	Wagner
Ferguson	McMahon	Walsh
Gerry	Magnuson	White
Gossett	Maybank	Wiley
Green	Mitchell	
Guffey	Murdoch	

## NOT VOTING—33

Aiken	Chavez	Mead
Andrews	Cordon	Morse
Bailey	George	Myers
Brewster	Glass	O'Daniel
Bridges	Hatch	Overtton
Brooks	Hawkes	Pepper
Buck	Hayden	Reed
Bushfield	Kilgore	Robertson
Butler	La Follette	Saltonstall
Capehart	Langer	Thomas, Okla.
Carville	McFarland	Tobey

So Mr. MILLIKIN's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MILLIKIN. I call up an amendment which is at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, it is proposed to strike out lines 16 to 20, inclusive, and in lieu thereof to insert the following:

(c) The President, by and with the advice and consent of the Senate, shall appoint not to exceed five representatives of the United States to the Assembly of the United Nations who shall hold office at the pleasure of the President, who shall receive such salaries not to exceed \$12,000 each per annum as the President shall determine, and one of whom shall be designated as the senior representative.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. CONNALLY. I wish to suggest to the Senator from Colorado that the Committee on Foreign Relations agreed to an amendment dealing with that subject, and wonder if it would not be satisfactory to the Senator from Colorado. It is contemplated that there shall be not more than five representatives appointed to the Assembly. To the Security Council there will be only one. Therefore it is rather unreasonable to expect that each of the five temporary representatives would receive the same compensation that is paid to the one representative on the Security Council who gives all his time to that position. Representatives to the Assembly may serve for only a few

weeks or months. The amendment agreed to by the committee is in line 20, on page 2, as follows:

Such representatives shall each be entitled to receive compensation at the rate of \$12,000 per annum for such period of appointment as the President may specify.

In other words, representatives to the Assembly would receive compensation at the rate of \$12,000 a year for such period of time as they actually serve.

Mr. MILLIKIN. Mr. President, I regret that I cannot accept the amendment for the reason that my basic theory is that it should be a continuous office, and that those who are appointed to the Assembly should be appointed with the advice and consent of the Senate.

Mr. President, I have a rather lengthy argument which I am now approaching. I wonder if it would be more feasible to proceed with it the first thing tomorrow.

Mr. CONNALLY. Mr. President, there is a larger attendance in the Senate now than the Senator will have at the reconvening of the Senate tomorrow. If the Senator wants a large audience he had better continue now. When the Senate reconvenes tomorrow the Senator will not have so large an audience as he now has.

Mr. MILLIKIN. We have rarely had so large an audience during the course of this debate. If I had any assurance that Members would remain I should be glad to continue.

Mr. CONNALLY. If the Senator makes as good an argument and presentation of his case as he usually does Members should stay under the spell of his remarks.

Mr. MILLIKIN. We will see, Mr. President, how we come out.

Section 2 of the bill provides in paragraph (c):

(c) The President may appoint from time to time to attend a designated session or designated sessions of the General Assembly of the United Nations not to exceed five representatives of the United States, one of whom shall be designated as the senior representative.

It seems to me that the provision represents a very serious down-grading of the importance of the Assembly. Note, please, that the President may make appointments "from time to time to attend a designated session or designated sessions of the General Assembly."

The provision goes on the theory that each Assembly is a sort of an original creation, with an original set of problems unconnected with preceeding history which can best be solved by a succession of specially selected delegations having only temporary tenure, serving without salaries and appointed without the advice and consent of the Senate to meet the expediences of the moment.

First, I respectfully affirm that nothing of the kind is required by the Charter and there is no claim to the contrary in this debate.

I do not deny that under the Charter we are permitted to give vagrant attention to our duties in the Assembly. I argue that we do not have to do it and that it would be a very unwise thing if we were to do it.

The amendment which I have proposed would make permanent and continuous the office and the duties and would make the tenure of regular, constantly serving representatives, appointed with the consent of the Senate, subject only to the pleasure of the President.

Whether we shall regard the office as discontinuous to be filled from time to time by temporary and newly appointed representatives or whether we should view the office as continuous regardless of whether or not the Assembly is in actual session, and as deserving the continuous attention of our representatives who shall possess continuous tenure, limited only by the pleasure of the President, depends in the main, I suggest, on the functions and purposes of that body.

The distinguished senior Senator from Texas, chairman of our Committee on Foreign Relations, and the distinguished senior Senator from Michigan returned last June hot from the San Francisco Conference and with noble and moving eloquence spoke to us of what had been accomplished and of the transcendent importance of the Assembly.

The distinguished senior Senator from Texas said, among other things:

The international organization which the Charter establishes will include a General Assembly of all member nations, in which the smallest and the weakest state will have equal power and authority with the mightiest and strongest. The Assembly will constitute a democratic forum in which freedom of debate is practically unlimited and in which all of the matters within the scope of the Charter or relating to any of its organs may receive the scrutiny and the discussion of the member states. It will form a world forum for the discussion of matters whatever their origin that may relate to international peace and security. Here will be hammered out on the anvil of debate the problems that may confront the Organization throughout its career. Here will be formed a mighty public opinion which shall exert a tremendous influence upon the solution of all questions that relate to international peace and security. Here may be formulated recommendations to the Security Council and to the member states.

The distinguished senior Senator from Michigan said:

The Charter tells the General Assembly that it is empowered—and I beg of you, Senators, to listen to these words, Here is the heart and core of humanity's hope for tomorrow. The General Assembly is empowered—to recommend measures for the peaceful adjustment of any situations regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations, and of situations resulting from a violation of the purposes and principles set forth in this Charter.

Mr. President, this can be a new emancipation proclamation for the world. You may tell me that it is calculated to "keep the word of promise to the ear and break it to the heart." I reply that I know of no better hope. I reply that it certainly will be broken if you insist upon denying it a chance or if you cripple it at birth.

In the report of June 26, 1945, of the Secretary of State to the President on the result of the San Francisco Conference, the following appears at page 65:

From the foregoing description it is clear that the General Assembly occupies a central position in the Organization. Although it

cannot invade the functions which have been specifically assigned in security matters to the Security Council, it will nevertheless wield great authority and influence throughout all parts of the Organization and will affect the development of basic policies of the entire Organization.

Unlike the functions of the Security Council, which are primarily political and in case of need may be repressive in character, the functions of the General Assembly will be concerned with the promotion of constructive solutions, of international problems in the widest range of human relationships, economic, social, cultural, and humanitarian. The General Assembly, therefore, may well come to be regarded by all nations as the forum in which their interests can be effectively represented and promoted.

In the same report, at page 63, the Secretary of State declares:

The role of the General Assembly in the maintenance of peace and security can be summarized as follows:

1. The right to consider the general principles of cooperation, in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments;

2. The right to make recommendations to the members or to the Security Council on such principles;

3. The right to discuss any questions pertaining to the maintenance of international peace and security brought before it by any member of the Organization, by the Security Council or, in certain cases, by a non-member;

4. The right to make recommendations to the members or to the Security Council with regard to any such questions;

5. The responsibility to refer questions on which action is necessary to the Security Council either before or after discussion or recommendation;

6. The right to call attention of the Security Council to situations likely to endanger international peace and security;

7. The obligation not to engage in making recommendations while the Security Council is dealing with a dispute unless the Security Council so requests;

8. The right, subject to the judgment of the Security Council, to be notified of any matters relating to the maintenance of international peace and security which are being dealt with by the Security Council and to receive notification when the Security Council ceases to deal with such matters;

9. The responsibility to cooperate with the Security Council, upon its request, in steps to preserve or restore peace. Such measures would include the suspension of members against which enforcement action is being taken, the expulsion of members, which persistently violate the principles contained in the Charter, and the enlistment of full support for either nonmilitary or military enforcement measures;

10. The right to receive and consider annual and special reports from the Security Council.

Examination of the Charter confirms the correctness of the views expressed by the Senator from Texas [Mr. CONNALLY], the Senator from Michigan [Mr. VANDENBERG], and the Secretary of State.

Article 60 provides that the responsibility for the discharge of the functions of specialized agencies having to do with economic, social, cultural, educational, health, and related fields, shall be vested in the General Assembly.

Article 61 provides that the Economic and Social Council shall consist of 18 members of the United Nations, elected



by the General Assembly. Article 85 provides that the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly, and that the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

Article 93 provides that a state which is not a member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 97 provides that the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council and that he shall be the chief administrative officer of the organization.

Earlier in my remarks I suggested that our decision should turn on whether the functions and purposes of the Assembly will be served efficiently by the intermittent attention of temporary and changing delegations to each session of the Assembly or whether these functions and purposes require the continuous attention of representatives who, by the nature of their tenure, are in position to meet the requirement.

These functions and purposes are now freshly before us. Shall we give nothing more than fitful attention to that agency of the organization which has responsibility for the admission and expulsion of members, for amendments to the Charter, which has supervision over the Economic and Social Council, has responsibility for the election of members to that Council, which will have much to do with the Trusteeship Council, which will select the vitally important Secretariat and members to the International Court of Justice?

Shall we give nothing more than spasmodic effort to a branch of the organization which is charged with arousing and focusing a mighty and controlling public opinion upon the solution of all questions relating to international peace and security?

Shall we make nothing more than a haphazard contribution to an assembly which is charged with promotion of solutions to problems arising from the widest range of human relationships, economic, social, cultural, and humanitarian, which will have the most significant and possibly determinative responsibility for peace or war, which has been described as the heart and core of humanity's hope for tomorrow, as occupying a central position in the organization, as being the emancipation proclamation of the world, as being the anvil on which will be hammered out the policies that will keep the world in peace?

I affirm that our responsibilities are continuous. If I am right in this, why, then, give those responsibilities merely periodic attention?

Will starving people start eating because the Assembly is in recess? Will racial irritations cease because the Assembly is in recess? Will exploiters of

the labor of under-privileged peoples of the world store their shackles and knouts and stay their brutal oppressions until the Assembly again reconvenes? Will an ailing world economy defer its illness while the Assembly is in recess? Will plotters against the peace of the world halt their deadly preparations because the representatives of the member nations are not at the seat of the organization? Who can answer in the affirmative?

It is interesting to note what the Charter says as to the meetings of the Assembly and what our Constitution says as to the meetings of our own Congress.

Article 20 of the Charter provides that "the General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require."

Our own Constitution provides in article I, section 4, that Congress shall assemble at least once in every year. Special sessions are also contemplated by the provisions that the President may on extraordinary occasions convene both Houses or either of them.

Has anyone in the whole history of this Nation, except in a frivolous sense, suggested that because our Congress is not necessarily in continuous session it would be an improvement on our system if the terms of the Members of Congress were automatically to end every time there is a recess and that a new set of Members should be sent here every time a new problem arises?

Here at home we realize that our National Government and its problems are continuous and require the continuous attention of the Members of Congress whether or not the Congress is in actual session. I believe that many of the Members of the Senate will testify that their official duties multiply when they are at home on so-called vacations when the Congress is in recess.

Here at home we realize that as a rule Members of the House and Senate acquire increasing efficiency and influence the longer they continue to serve. It is impossible to point to anything in the Charter or in the inherent nature of the organization set up by it that makes it necessary, expedient, or wise to reverse our own lessons of experience in this matter.

But it might be argued that on rare extraordinary occasions it might be advisable to have special representation temporarily appointed. At the opening session of the Assembly, for example, we might wish to be represented by some of the delegates who took outstanding parts in the making of the organization at San Francisco. Such special temporary representation on rare and special occasions could be arranged under Presidential regulations without interference with the regular appointees. A related amendment which I have proposed provides for this.

Can it be denied that a full-time representative to the Assembly would have opportunity to gain valuable experience and contacts and to increase his usefulness and influence with the lengthening of his tenure? If that would not occur, then every Member of Congress who has been elected to more than one term of

office has swindled his constituency with false representations.

We should not blind ourselves to possibilities which also have been suggested by experience. What I am now about to say has no reference to the administration in power or to any particular past administration. We all know from studying our history that political, personal, and social pressures too often induce the appointment of unqualified men to positions of great responsibility. The present provisions of the bill authorizing ambulatory office and tenure would not tend to discourage such appointments. We should be very careful not to do anything here that would make it easier for the appointment to the Assembly, which has been described as the last and best hope of the world, of peripatetic amateurs, diplomatic dilettantes, and politically deserving incompetents.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Hickenlooper	Russell
Ball	Hill	Shipstead
Bankhead	Hoey	Smith
Barkley	Huffman	Stanfill
Bilbo	Johnson, Colo.	Stewart
Briggs	Johnston, S. C.	Taft
Byrd	Knowland	Taylor
Capper	Lucas	Thomas, Utah
Connally	McCarran	Tunnell
Donnell	McClellan	Tydings
Downey	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Millikin	Wherry
Gerry	Mitchell	White
Gossett	Moore	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	O'Mahoney	Young
Hart	Radcliffe	
Hayden	Revercomb	

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. MILLIKIN. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BALL. Mr. President, I wish to say only a word or two in support of the amendment which has been offered by the Senator from Colorado. I am extremely sorry that the prediction of the Senator from Texas that Senators would remain in the Chamber and listen to the magnificent presentation of the Senator from Colorado has not been borne out. It seems to me that he has proved conclusively, by a simple recital of the duties of the men who will make up the Assembly under the Charter, that membership in the Assembly is and should be a full-time job. The Assembly may not only discuss and debate any situation pertaining to the peace of the world, make recommendations to the Security Council and receive and consider reports from the Security Council, but it may also set up the Trusteeship Council, which I think is tremendously important so far as keeping peace in the world is concerned. It will also set up the Economic and Social Council.

If President Truman was quoted correctly in his press conference, one of the first duties of the Assembly will be to

establish a commission to study the entire problem of international control which has been made necessary by the development and use of the atomic bomb.

Mr. President, it would seem to me that the United States would want a type and caliber of individual to serve on our delegation, or several such individuals, who could serve for full time on the atomic-bomb commission. No question is more vitally important, so far as the peace of the world is concerned, than is the question of how we shall handle atomic energy, and what kind of machinery we can agree on for its control in order to prevent a third world war with atomic weapons which, I believe all of us are convinced, would mean the end of civilization.

I agree completely with the Senator from Colorado that we cannot expect our representatives to the Assembly to go new and untrained to each conference and possibly wield the influence which they should wield if the Assembly is to do the job we expect it to do, and really become a town meeting of the world, as the Senator from Michigan has described it. All Members of the Senate have had the experience of coming to the Senate as freshman Senators. We all know that it requires from a few months to a year to familiarize ourselves with the procedures of the Senate, and become effective as United States Senators. I believe that exactly the same situation will prevail with regard to representation in the Assembly. If we send to the Assembly a new delegation each year, or every 6 months, or whenever the meetings are held, obviously those representatives will be merely a facade for full-time employees of the State Department who will actually be our representatives in the Assembly. Our representatives under any other circumstances could not possibly familiarize themselves with the task at hand in time to be truly effective.

Mr. President, I know that all of us were deeply moved last July by the eloquent statement of the senior Senator from Georgia [Mr. GEORGE] when he expressed the hope that the General Assembly of the United Nations would be the embryo from which would develop a parliament of the nations. I believe that if we refuse to give our representatives in the Assembly a status commensurate with the tasks which they will face, and at least the dignity of full-time appointment confirmed by the Senate, we will be taking a step away from the proper course and in the opposite direction. We will be underlining the fact that we regard the United Nations Organization as merely another conference or council of diplomats, instead of one having the importance of a limited form of world government which may eventually solve the tremendous problems facing the world.

For the reasons which I have stated, Mr. President, I hope the amendment which has been offered by the Senator from Colorado will be agreed to.

SEVERAL SENATORS. Vote.

Mr. O'MAHONEY. Mr. President, I desire merely to say that it will be my intention to support the amendment of the Senator from Colorado.

If we are going to allow the United Nations to depend solely upon the work of the Security Council, we shall be playing international power politics. If we hope to make it a democratic organization which will work for world peace, we should undertake to make the Assembly a body in which the little people of the world may have a voice. It seems to me that if the United States of America is to carry the moral influence in the world which it ought to carry, and which it must carry, and if we are to eliminate the scourge of war, we must do everything which lies within our power to make the Assembly a workable organization. I can think of nothing which would tend more to weaken our influence in the Assembly than for us to indicate that we regard it only as a small matter, or a small organization to which temporary appointment of representatives may be made. But, if, on the contrary, we adopt the principle upon which the amendment of the Senator from Colorado is based and determine by our votes here that we shall send important envoys who will represent the President, and will do so with the confirmation of the United States Senate, then we shall say to the little peoples and to the small nations of the world, "We are participating with our full power in the one Assembly to which you are admitted. We are ranging ourselves on your side for the maintenance of peace and the preservation of your individual interests."

Mr. President, I think it would be a great mistake for the Senate to reject this amendment.

Mr. TAYLOR. Mr. President, I wish to echo the sentiments which have been expressed by the previous speakers. I shall support the amendment of the Senator from Colorado.

Certainly, the appointments to which reference has been made are sufficiently important to warrant our having full time representatives on the job. I do not think their salaries should be on a pro rated basis. Even if the Assembly is in session only a week, our representatives on it should be paid for the entire year, and should devote their energies and their work during all that period to measures to effectuate permanent peace in the world. I know that the Assembly will be in session longer than a year, or at least several months, and I hope the amendment will be adopted.

Mr. CONNALLY. Mr. President, the committee favors an amendment which it will offer at the proper time fixing the compensation of the representatives on the Assembly at the rate of \$12,000 a year, payable for such a period as the President may designate. The President may designate some of them to remain on the Assembly for a whole year. But, Mr. President, one of the purposes of allowing the President to appoint the delegates to the Assembly from nonprofessional people—I mean nonprofessional job holders—is to scatter the appointments of representatives among prominent persons of the United States, such as Representatives, Senators, and others. If five men, for example, are chosen and made permanent job holders they may perhaps become like other bureaucrats. We want to popularize this organization

by tying into it, and allowing to have contact with it, leaders of public opinion in all fields in the United States. We do not need to send the same representatives each time a meeting of the Assembly is held. If we wish to send the same two, for example, for a year or 2 years, it would be all right to do so. But we want to send new blood; we want to send new representatives and give them an opportunity to study the questions with which they will be confronted. Public men in the Senate are already properly advised. On the Security Council, we will have a permanent representative and also a permanent assistant. We will have another group of executives on all the different commissions.

The only thing involved in the amendment is the question of salary. Talk about representing the little man. The delegates would be more apt to represent the little man and the little people when their personnel is subject to change and new groups are appointed rather than to have the same professional jobholders continue indefinitely to hold these positions.

We do not want someone who is hunting a job. We want someone who will accept the office at a sacrifice, perhaps, in order to serve this organization, who will be willing to act because of the honor involved and the opportunity for service.

Mr. WHITE. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. WHITE. Is it not also true that as particular and special problems arise, men with special training and qualifications will be chosen?

Mr. CONNALLY. I thank the Senator. That is a very cogent point and a very important one. If a particular and special problem should arise, we would want to select someone who knew more about that subject than anyone else. The professional job holders who would beseech the President by all sorts of political pressure to appoint them to these political jobs could not be utilized. It is the same as it is now with our committee, where we have before us each morning scientists, experts, not automobile mechanics or doorkeepers in the public buildings.

Mr. CHAVEZ and Mr. O'MAHONEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield, and if so, to whom?

Mr. CONNALLY. I yield first to the Senator from New Mexico.

Mr. CHAVEZ. I desire to ask the Senator from Maine a question. When he speaks of the experts who could be or should be appointed, does he have in mind the ones whom former Ambassador Hurley to China had in mind? Is that the type the Senator has in mind?

Mr. WHITE. I do not understand the significance of the question the Senator asks. I merely suggested that I thought there was definite advantage, when special problems arose, in having complete freedom of selection and appointment on the part of the President, so that men best qualified to deal with problems might be members of the Assembly.

Mr. CHAVEZ. And when the Senator from Maine said the best qualified, I was



wondering whether he had in mind those whom former Ambassador Hurley had in mind.

Mr. WHITE. I do not know about that. I have in mind a man who by all standards would be best qualified to deal with a particular problem.

Mr. CONNALLY. I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. If I have read aright the amendment which the Senator from Colorado has offered, none of the arguments the Senator from Texas has announced has any relation to it whatsoever. The expression "job holder" rolls very easily off the tongue of the eloquent Senator from Texas. He wants no long-term officer representing the President. The amendment of the Senator from Colorado places no limitation upon the power of the President to select. However, it requires confirmation by the Senate. It provides, if I understand it correctly—unless it has been changed—that these persons shall hold office at the pleasure of the President. Therefore he may change them when he pleases. What the amendment would do would be to send these representatives to the Assembly of the United Nations Organization with the confirmation of the Senate, therefore with the added prestige that they would go into the Assembly clothed with the power of speaking both for the Executive and the Senate. I think it is a very worth-while thing to do.

Mr. CONNALLY. I thank the Senator for his very cogent and complete argument in which he pointed out very graphically that the Senator from Texas did not know what he was talking about, when he said the argument of the Senator from Texas had nothing at all to do with the amendment of the Senator from Colorado.

Mr. MILLIKIN. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. MILLIKIN. The Senator has said that the amendment would preclude sending specially qualified men.

Mr. CONNALLY. No; I did not say that. I said it was desirable if possible to send specially trained men, that the group we had in the Assembly at a given time might not be suited for the next conference. I was answering the Senator from Maine.

Mr. MILLIKIN. I understood the Senator to say, in effect, that there is a disadvantage in the amendment which I propose because the President could not send specially trained men to meet special occasions. In that connection I would like to invite attention to the fact that I shall offer an amendment later on providing as follows:

Nothing contained in this section—

Referring to section 2—

shall preclude the President, or the Secretary of State at the discretion of the President, and without the advice and consent of the Senate—

That is to take care of these special instances—

or any other person or persons appointed by the President for the purpose, with the advice and consent of the Senate, from representing the United States at any designated meeting or session of any organ or agency of the United Nations Organization.

In other words, I have tried, first to make this a regular, continuous office; and, second, to meet the theory of the bill, that there may be special occasions when a special representative shall be appointed.

Mr. CONNALLY. Would that be in addition to the five?

Mr. MILLIKIN. That would be in addition to the five. They would be set to one side by Presidential regulation, just as under the present theory of the bill we would set aside the representative to the Council if the President wanted to take his place, or if the Secretary of State wanted to take his place.

Mr. CONNALLY. Very well. Mr. President, just a further word. It is pointed out that one of the virtues of the amendment is that it requires Senate confirmation. The President now sends delegates to all international conferences without consulting the Senate or the House of Representatives or any other body. It is contemplated that the President will now and then send Senators or Representatives. We particularly omitted provision for confirmation, not because we minded it, but we thought that a member of the House of Representatives appointed by the President would probably resent the idea that he had to be confirmed by the Senate, that it would be only a temporary office, and if we make these permanent offices for a year, we will probably deprive the Senate or the House of having any representative there, because no Senator or Representative will want to give up his position as a Member of Congress to be a delegate to the Assembly.

It is said the President can remove them at his will. Of course, he can remove officers anywhere by dismissing them. But after the President had appointed five men to permanent jobs, drawing \$10,000 or \$12,000 a year, we all know how difficult it would be to replace them. We all know what pressure would be brought. Do not humiliate my good friend the Senator from Colorado, or the Senator from Wyoming, or a Senator from some other State, do not humiliate him by removing him and putting someone else in his place. The Senator is conscious of that, is he not?

I hope, Mr. President, for the reasons I have stated, that the Senate will not adopt the amendment. The committee has authorized me to offer this amendment at the proper time:

Such representatives shall each be entitled to receive compensation at the rate of \$12,000 per annum for such period of time as the President may specify.

If he works 6 months, he receives \$6,000. If he works 12 months, he receives \$12,000.

Mr. TYDINGS. Mr. President, when the Senator from Texas and the Senator from Michigan came on this floor some time ago with the United Nations Charter, I thought they had afforded our country, and perhaps the world, the remaining opportunity to avert another great world war. Since I have listened to this debate, to the remarks of the Senator from Colorado and those of the Senator from Texas, I have been greatly disillusioned. I find this great body on which mankind is going to pin so much

hope and expectation, is not to be the type of organization which I had thought it would be. Frankly, the arguments of the Senator from Texas on all the other points of this bill have been very impressive, but in this instance I cannot conceive of any logic in anything he has said except to belittle the standing and the stature of the men who will represent this country on what I think is the last hope of the world to avoid world calamity. Certainly the individuals who serve on this organization ought not to be changed around in 6 months or a year. Obviously it takes a great deal of time to accumulate information about things that are happening all over the world from persons who come from different sections of the earth. Obviously it takes time to build up acquaintances and to have a degree of confidence in one's fellow workers so that persuasion and argument, both in the Assembly and out of it, can take the place of armed conflict.

I do not want to see the Security Council ever called into session, if possible, and the only way we can avoid it being called into session is for the Assembly to work out the problems and make it unnecessary for the Security Council to be called upon to act. Why? Because when the Security Council is called into session its members have in effect the power to commit the world to war, and then it will be difficult for the best men in this world to sit in the Assembly and try there to iron out the differences which may beset mankind.

I do not want Senators and Representatives appointed to the Assembly for a short period of time, except under extreme circumstances, where they would be available. I want to see the best men this country can produce sit on the Assembly, men of vision, men of caliber, men of patience, men of judicial outlook, men of tolerance, men of understanding, because the problems of this world, now that the war is over, are not growing less, but are becoming more complicated and more numerous.

It is true that we have a new element with which to deal in this situation—the atomic bomb. For some years we shall have time to work out perhaps a plan which will offer the faint hope—and that is all it will be in its initial stages at least—that we can, somehow or other, solve our differences without resort to this deadly weapon. And the men who will help to work out that solution will be our representatives and those of other countries who sit in the Assembly.

With all deference to my colleague, the Senator from Texas, who has rendered yeoman service in the building of the United Nations Organization, I do not believe he is helping to improve his own fine handiwork by opposing what I consider to be one of the best amendments to be offered to this bill.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WILLIS. I was impressed by what the Senator said, that he would not want to be appointed as a Senator to this important body, the United Nations Organization.

Mr. TYDINGS. Unless there was some particular function I could perform, because of a particular committee chairmanship, for instance, or some work for the moment which it was believed might contribute to the effectiveness of the organization.

Mr. WILLIS. But if in the judgment of the President it were considered that the Senator from Maryland should be appointed as a representative to the United Nations Organization, would he not prefer to have his appointment confirmed by the Senate?

Mr. TYDINGS. Yes, Mr. President, and I would not want to go as a representative, and I do not believe my friend the Senator from Texas or the distinguished Senator from Michigan would want to go on a mission of great international magnitude, for that would be the only reason for a Senator going, unless he had the approval of his President and unless he had the approval of his colleagues.

Mr. WILLIS. I heartily agree with the Senator, and I believe the argument of the Senator from Texas on this proposal is utterly baseless.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. BARKLEY. Mr. President, I wish merely to suggest that in view of the lateness of the hour and the possibility of further discussion, we might suspend now until tomorrow, the yeas and nays having already been ordered.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BARKLEY. The Senator from Texas indicates a willingness to recess now.

Mr. CONNALLY. If the Senator will yield—

Mr. BARKLEY. I yield.

Mr. CONNALLY. I said earlier in the day that I would not insist on holding the Senate in session after 6 o'clock. I made that statement to several Senators, so I want to live up to that statement.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Sometime ago I requested that the argument on this amendment go over until tomorrow. The distinguished Senator from Texas insisted that the Senate proceed and if possible come to a vote tonight. Since that occurred argument has been had, and a suggestion has been made of the absence of a quorum, and a quorum was found to be present. In view of that fact, and since the yeas and nays have been ordered, it occurs to me that we should proceed to vote on the amendment now.

Mr. BARKLEY. Mr. President, in view of the comment of the Senator from Texas, I think the Senate ought to pass on whether it wants to recess now or whether to go ahead.

Mr. CONNALLY. Mr. President, I am not going to be the cause of any friction. If the Senate wants to go ahead and vote it is all right with me. Earlier today I suggested that the Senate meet at 11 o'clock tomorrow instead of 12, but I withdrew that suggestion after it was decided that the Senate continue in ses-

sion until 6 o'clock today. The suggestion was made that we continue in session until 6 o'clock, and I agreed. I will ask the Senator from Nebraska if he will not confirm my statement?

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BARKLEY. Before yielding, I might confirm the statement of the Senator from Texas that he suggested that we meet at 11 o'clock tomorrow instead of 12, but after we decided to go ahead and hold a session until 6, the Senator from Texas withdrew that suggestion and suggested that we meet at 12, the regular hour, and that is the program now.

Mr. WHERRY. Mr. President, that is exactly what the distinguished Senator from Texas stated, except that we would stay until at least 6 o'clock. We could stay as much longer as we wanted to, but if we stayed until 6, then we would meet tomorrow at 12 o'clock. It was because of the fact that we have kept a good attendance of Members in the Senate all afternoon. I want to do what the distinguished Senator desires, but inasmuch as many Senators are present and ready to vote I should very much like to get the amendment out of the way.

Mr. BARKLEY. There are many Senators present. There is a good attendance, considering the average during the day. That does not mean, however, that other Senators who might wish to vote on this amendment are not away, and may have gone home. They may be here or yonder. I think the Senator from Texas had in mind that some Senators are not present because of the statement with respect to 6 o'clock. However, it is entirely for the Senate to decide. If it wants to vote now in the absence of Senators who may be away for one reason or another, the Senate has a right to do so, of course. I myself have no preference about the matter.

Mr. MILLIKIN. Mr. President, before the Senator from Kentucky came to the Senate Chamber I urged that the whole matter go over until tomorrow, and the distinguished senior Senator from Texas said "No"; he favored going ahead, and that when we finished this amendment—I do not take issue with him on the session running until 6 o'clock, but he did not mention 6 o'clock to me—we would then recess until 12 o'clock tomorrow.

Mr. BARKLEY. I recall that the Senator from Texas suggested to the Senator from Colorado that he had a better audience now than he would have tomorrow.

Mr. MILLIKIN. Yes.

Mr. BARKLEY. I think the attendance now has confirmed that prophecy.

Mr. MILLIKIN. I think the Senator was correct.

Mr. BARKLEY. The suggestion was made that the Senate continue. That applied to the argument of the Senator from Colorado. I do not know whether the question of a vote on the amendment was involved. The Senator from Colorado however, as he always deserves, has had a very attentive audience in the Senate.

Mr. MILLIKIN. I thank the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to the amendment

offered by the Senator from Colorado [Mr. MILLIKIN]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. REED]. I transfer that pair to the junior Senator from Florida [Mr. PEPPER] and will vote. I vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Arizona [Mr. McFARLAND] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], and the Senator from West Virginia [Mr. KILGORE] are necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. HATCH], the Senator from South Carolina [Mr. JOHNSTON], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Georgia [Mr. RUSSELL], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Florida [Mr. PEPPER] is absent on official business.

The Senator from Nevada [Mr. CARVILLE] is detained at a conference being held at the White House.

I announce that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I wish to announce further that if present and voting the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CARVILLE], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. HATCH], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Georgia [Mr. RUSSELL] would vote "nay."

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] has been excused. He is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Oregon [Mr. CORDON] is absent on official business as heretofore stated.

The Senator from Maine [Mr. BREWSTER], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. MORSE], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New Hampshire [Mr. TOBEY] are absent on official business. The Senator from



Oregon, the Senator from Massachusetts, and the Senator from New Hampshire would vote "nay" if present.

The Senator from Wyoming [Mr. ROBERTSON] has been excused. He is absent on official business.

The Senator from Illinois [Mr. BROOKS], the Senator from Delaware [Mr. BUCK], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Connecticut [Mr. HART], the Senator from New Jersey [Mr. SMITH], and the Senator from Kansas [Mr. REED] are detained on official business.

The Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is necessarily absent.

The result was announced—yeas 27, nays 31, as follows:

## YEAS—27

Ball	Johnson, Colo.	Stanfill
Briggs	Langer	Taft
Butler	McCarran	Taylor
Chavez	Millikin	Tydings
Donnell	Moore	Wherry
Ferguson	Murdock	Wiley
Fulbright	O'Mahoney	Willis
Gurney	Revercomb	Wilson
Hickenlooper	Shipstead	Young

## NAYS—31

Bankhead	Hayden	Mitchell
Barkley	Hill	O'Daniel
Blibo	Hoey	Overton
Connally	Huffman	Stewart
Downey	Knowland	Tunnell
Eastland	Lucas	Vandenberg
Ellender	McClellan	Wagner
Gerry	McKellar	Walsh
Gossett	McMahon	White
Green	Magnuson	
Guffey	Maybank	

## NOT VOTING—38

Aiken	Cordon	Myers
Andrews	George	Pepper
Austin	Glass	Radcliffe
Bailey	Hart	Reed
Brewster	Hatch	Robertson
Bridges	Hawkes	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Smith
Bushfield	La Follette	Thomas, Okla.
Byrd	McFarland	Thomas, Utah
Capehart	Mead	Tobey
Capper	Morse	Wheeler
Carville	Murray	

So Mr. MILLIKIN's amendment was rejected.

Mr. CONNALLY. I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HILL. I move to lay that motion on the table.

The motion to reconsider was laid on the table.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. MURDOCK in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Admiral William F. Halsey, Jr., United States Navy, to be a fleet admiral of the United States Navy;

Vice Adm. Charles A. Lockwood, Jr., United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 5th day of October 1943;

Vice Adm. Charles H. McMorris, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 23d day of September 1944;

Vice Adm. George D. Murray, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 29th day of November 1944;

Vice Adm. Jesse B. Oldendorf, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 7th day of December 1944;

Vice Adm. Daniel E. Barbey, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 9th day of December 1944; and

Vice Adm. Frederick C. Sherman, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 13th day of July 1945.

By Mr. TAYLOR, from the Committee on Public Lands and Surveys:

Frank Olson, of Idaho, to be register of the land office at Blackfoot, Idaho, vice Frank E. Dekay, term expired.

By Mr. McCARRAN, from the Committee on the Judiciary:

Jorge Luis Cordova Diaz, of Puerto Rico, to be associate justice of the Supreme Court of Puerto Rico, vice Martin Travieso, elevated;

Shackelford Miller, Jr., of Kentucky, to be judge of the United States Circuit Court of Appeals for the Sixth Circuit, vice Elwood Hamilton, deceased; and

James E. Mulcahy, of New York, to be United States marshal for the southern district of New York.

Mr. Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

NOMINATION OF HARRY A. ZINN TO BE COLLECTOR OF CUSTOMS AT DENVER, COLO.

Mr. BARKLEY. Mr. President, there is only one nomination on the executive calendar. I ask unanimous consent that, as in executive session, the Senate proceed to consider the Executive Calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the nomination will be stated.

The legislative clerk read the nomination of Harry A. Zinn, to be collector of customs for customs collection district No. 47, with headquarters at Denver, Colo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That completes the Executive Calendar.

## RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, December 4, 1945, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate December 3 (legislative day of October 29), 1945:

## DIPLOMATIC AND FOREIGN SERVICE

Meredit Weatherby, of Texas, to be a foreign-service officer of class 7, a secretary, in

the diplomatic service, and a consul of the United States of America.

## SELECTIVE SERVICE SYSTEM

James M. Smith for appointment as Assistant Chief, Research and Statistics Division, National Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Assistant Chief, Research and Statistics Division, National Headquarters, Selective Service System, will be at the rate of \$6,230 per annum.

## UNITED STATES ATTORNEYS

Charles F. Rouse, of North Carolina, to be United States attorney for the eastern district of North Carolina, vice James O. Carr, resigned.

Adrian W. Maher, of Connecticut, to be United States attorney for the district of Connecticut, vice Robert P. Butler, term expired.

## CONFIRMATION

Executive nomination confirmed by the Senate December 3 (legislative day of October 29), 1945.

## COLLECTOR OF CUSTOMS

Harry A. Zinn to be collector of customs for customs collection district No. 48, with headquarters at Denver, Colo.

## HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 3, 1945

The House met at 12 o'clock noon.

Rev. Nathaniel Sonntag, O. F. M. Cap., J. C. B., St. Anthony Friary, Marathon, Wis., offered the following prayer:

Almighty and eternal Father, whose dominion extends over all peoples and nations, we beseech Thee to have a continual regard for these, our United States. Thou hast always shown us Thy favor. We are surrounded, more than any other people, with a bountiful fullness of earthly blessings. For all these things we give Thee our daily thanks.

We pray Thee, Heavenly Father, to have a particular providence over our proceedings and deliberations. We are charged by our people to guard the liberty they so valiantly defended, to quicken the life they so recently ennobled, to promote the peace they so decisively restored. We ask that Thou illumine our minds so that by sharing in Thy guidance we may allow the light of Thy divine wisdom to shine forth in wise and prudent legislation. May we suppress all that is harmful and injurious; may we establish an open field for enterprise, industry, and business; may we foster useful knowledge, sobriety, and national happiness; may we perpetuate the blessings of peace and security, of justice and equal liberty. May all of us be blessed by this knowledge and sanctified by its observance. To Thy greater honor and glory. Amen. In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

The Journal of the proceedings of Friday, November 30, 1945, was read and approved.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed